

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2015-0721-04	REGULATORY ACTION NUMBER 2016-0706-065	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

AUG 16 2016

1:46 PM

AGENCY WITH RULEMAKING AUTHORITY
California Department of Social Services

AGENCY FILE NUMBER (if any)
ORD #0614-05

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2015.31-7	PUBLICATION DATE 7/31/2015

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) ICWA Integration Throughout Division 31		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 31-136	
		AMEND 31-001, 31-002, 31-003, 31-005, 31-040, 31-066, 31-075, 31-101, 31-105, 31-110, 31-115, 31-120, 31-125,	
TITLE(S) MPP		REPEAL 31-515 and 31-520	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) May 10, 2016, through May 25, 2016			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Kenneth Jennings		TELEPHONE NUMBER (916) 651-8862	FAX NUMBER (Optional) (916) 654-3286
		E-MAIL ADDRESS (Optional) kenneth.jennings@dss.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

BRIAN DOUGHERTY, Administration Deputy Director

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ENDORSED APPROVED

AUG 16 2016

Office of Administrative Law

ICWA INTEGRATION THROUGHOUT DIVISION 31

ADOPT:

AMEND: 31-135, 31-201, 31-205, 31-206, 31-310, 31-315, 31-335, 31-405, 31-406, 31-410, 31-420, 31-425, 31-430, 31-445, 31-510.

REPEAL:

REGULATIONS TEXT

Amend Section 31-001 to read:

31-001 GENERAL

31-001

- .1 The requirements specified in Sections 31-005 through 31-525 shall be met by the county in the administration of child welfare services.
- .2 The requirements specified in Section 31-001 through Section 31-525 shall be met by county probation departments when placing children in out-of-home care.
- .3 The following special provisions shall also apply:
 - .31 (Continued)
 - .32 Provision of services to an Indian child shall be subject to the additional requirements specified in Section 31-515 and 31-520 integrated throughout Division 31 Chapters 31-000 through 31-500.
 - .33 When considering the "best interest of the child" social workers must adhere to Welfare and Institutions Code section 224(a)(2), which specifies that it is in the best interest of an Indian child that the connection to its tribe and tribal community is encouraged and protected regardless of whether the child is in the physical custody of the Indian parent or Indian custodian(s) at the commencement of a child custody proceeding, the parental rights of the child's parents have been terminated or where the child has resided or been domiciled. In assessing whether there is a sufficient basis to ask the court to make a finding of good cause as later used in this Division, a social worker shall consider that the Indian Child Welfare Act (ICWA) 25 USC 1902, seeks to protect not only the rights of the Indian child but the rights of Indian communities and tribes in retaining their Indian children.
 - ~~.33~~.34 (Continued)
 - ~~.34~~.35 (Continued)
 - ~~.35~~.36 (Continued)

HANDBOOK BEGINS HERE

~~351~~ (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 16520, and 16521, Welfare and Institutions Code; and Assembly Bill 1695, Section 21, Chapter 653, Statutes of 2001.

Reference: Sections 224, 361.2(e) and (d), 727, 11404, 16520, and 16521, Welfare and Institutions Code; Section 7901, Family Code; 25 USCA ~~Section~~ 1901 et seq.; and 42 USC ~~Sections~~ 671(a)(15), 675 and 677.

Amend Section 31-002 to read:

31-002 DEFINITIONS

31-002

- (a) (1) "Active Efforts" mean, in the case of an Indian child, those efforts intended primarily to maintain and reunite an Indian child with his or her family or tribal community and includes all actions taken by a county to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. Active Efforts must take into account the prevailing social and cultural values, conditions, and way of life of the Indian child's tribe and utilize the available resources of the child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers, as further specified in Section 31-135.23 and Section 31-420.3 with respect to the Active Efforts to comply with ICWA placement preferences. Examples of Active Efforts are in the Handbook below.

HANDBOOK BEGINS HERE

2015 BIA Guidelines section A. 2 provides the following examples of Active Efforts:

- "(A) Engaging the Indian child, the Indian child's parents, extended family members, custodian(s);
- (B) Taking steps necessary to keep siblings together;
- (C) Identifying appropriate services and helping the parents to overcome barriers, including actively assisting the parents to obtain such services;
- (D) Identifying, notifying and inviting representatives of the Indian child's tribe to participate;
- (E) Conducting or causing to be conducted a diligent search for the Indian child's extended family members for assistance and possible placement;
- (F) Taking into account the Indian child's tribe's prevailing social and cultural conditions and way of life and requesting the assistance of representatives designated by the Indian child's tribe with substantial knowledge of the prevailing social and cultural standards;
- (G) Offering and employing all available and culturally appropriate family preservation strategies;
- (H) Completing a comprehensive assessment of the circumstances of the Indian child's family, with a focus on safe reunification as the most desirable goal;

- (I) Notifying and consulting with extended family members of the Indian child to provide family structure and support for the Indian child, to assure cultural connections, and to serve as placement resources for the Indian child;
- (J) Making arrangements to provide family interaction in the most natural setting that can ensure the Indian child's safety during any necessary removal;
- (K) Identifying community resources including housing financial, transportation, mental health, substance abuse, and peer support services and actively assisting the Indian child's parents or extend family in utilizing and accessing those resources;
- (L) Monitoring progress and participation in services;
- (M) Providing consideration of alternative ways of addressing the needs of the Indian child's parents or extended family, if services do not exist or if existing services are not available;
- (N) Supporting regular visits and trial home visits of the Indian child during any period of removal, consistent with the need to ensure the safety of the child; and
- (O) Providing post-reunification services and monitoring."

HANDBOOK ENDS HERE

(2) through (11) renumbered from (1) through (10) respectively (Continued)

(b) (1) through (c) (24) (Continued)

(c) (25) "Contact" means contact in-person, in writing, or by telephone by a social worker or other persons authorized by the Division 31 regulations to make case contacts with the child, parent(s)/guardian(s)/Indian custodian(s), the child's tribe, tribal service providers, out-of-home care providers, Indian organizations, and/or other persons involved in the case plan (e.g., siblings, other relatives).

(c) (26) through (f) (7) (Continued)

(f) (8) "Foster care" means the provision of 24-hour care and supervision to a child who has been placed by a child placing agency, including county child welfare services and probation departments, in one of the following types of foster homes:

(A) - (F) (Continued)

(G) A tribally licensed or approved home, in the case of an Indian child.

(H) A Tribally Specified Home, in the case of an Indian child, which may include any of the above.

(9) through (i) (2) (Continued)

(i) (3) "Indian" means a person who is a member of an Indian tribe, or who is an Alaskan Native and a member of a Regional Corporation as defined in 43 USC 1606.

(A) "Indian child~~(ren)~~" means any unmarried person who is under age 18 years of age and who is either (a) a member of an Indian tribe, or (b) who is eligible for tribal membership in an Indian tribe and the biological child of a tribe member of an Indian tribe.

1. Where the Indian child's dependency case continues beyond age 18, the child will continue to be defined an Indian child up to age 21, in which case ICWA standards will continue to apply. This provision in the statute allows a child, or an attorney on the child's behalf, to choose to no longer have ICWA applied to their case.

HANDBOOK BEGINS HERE

The Welfare and Institutions Code section 224.1(b) states "As used in connection with an Indian child's dependency proceeding, the term "Indian child" also means an unmarried person who is 18 years of age or over, but under 21 years of age, who is a member of an Indian tribe or eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe, and who is under the jurisdiction of the dependency court, unless that person or his or her attorney elects not to be considered an Indian child for purposes of the Indian child custody proceeding."

HANDBOOK ENDS HERE

(B) (Continued)

(C) "Indian child's parent" means any biological parent or parents of an Indian child; or any Indian person who has lawfully adopted an Indian child, including Lawful adoptions include adoptions under tribal law or custom. The term does not include the unwed father when paternity has not been acknowledged or established who has failed to promptly come forward and demonstrate full commitment to his parental responsibilities or who has failed to take reasonable steps to establish paternity including establishing paternity through DNA testing or acknowledging paternity in the action at issue.

(D) (Continued)

(E) "Indian Child Welfare Act (ICWA)" means the Indian Child Welfare Act, codified in 25 U.S.C. Chapter 21, 1901, et seq. which sets forth the federal law that establishes minimum federal standards that must be applied in state child custody proceedings involving an Indian child.

~~(E)~~(F) "Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom; or under state law; or to whom temporary physical care, custody, and control has been transferred by the parent(s) of such Indian child.

~~(F)~~(G) (Continued)

~~(G) Indian tribal court" means a court, recognized by the Secretary of the Interior, with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses; a court established and operated under the code or custom of an Indian tribe; or any other administrative body of a tribe which is vested with jurisdiction over child custody proceedings.~~

(H) (Continued)

(i) (4) through (n) (2) (Continued)

(n) (3) "Non-Federally-Recognized Tribe(s)" means an Indian tribe, band, nation or other organized group or community of Indians that is not recognized by the Secretary of the Interior as eligible for the federal services provided to Indians.

~~(3)~~(4) through (B) (Continued)

~~(4)~~(5) (Continued)

(o) (1) through (p) (2) (Continued)

(p) (3) "Permanency Alternative" means the type of permanency, i.e., adoption, Tribal Customary Adoption in the case of an Indian child, guardianship, and long-term foster care, or a plan for transitional independent living pursuant to Section 31-525, selected for the child if family reunification fails.

(4) - (7) (Continued)

(8) "Pre-placement preventive services" means those services designed to help children remain with their families by preventing or eliminating the need for removing the child from the home. In the case of an Indian child, pre-placement preventive services include Active Efforts consistent with Section 31-135.23 designed to prevent the breakup of the Indian family– ~~P~~pre-placement preventive services are early intervention services, emergency response services and family maintenance services.

(9) - (10) (Continued)

- (q) ~~Reserved~~ (1) "Qualified expert witness" means a person required to testify in an Indian child custody proceeding on whether continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. A qualified expert witness should have specific knowledge of the Indian tribe's culture and customs. A qualified expert witness may include, but is not limited to, a social worker, sociologist, physician, psychologist, traditional tribal therapist and healer, tribal spiritual leader, tribal historian, or tribal elder, provided the individual is not an employee of the person or agency recommending foster care placement or termination of parental rights.
- (r) (1) through (t) (6) (Continued)
- (t) (7) "Tribal Agency", for purposes of Welfare and Institution Code section 10553.12 background check certifications, means an entity designated by a federally recognized tribe as authorized to approve a home consistent with the ICWA, for the purpose of placement of an Indian child into foster or adoptive care, including the authority to conduct a criminal or child abuse background check of, and grant exemptions to, an individual who is a prospective foster parent or adoptive parent, an adult who resides or is employed in the home of an applicant for approval, any person who has a familial or intimate relationship with any person living in the home of an applicant, or an employee of a Tribal Agency who may have contact with a child.
- (8) "Tribal court" means a court with jurisdiction over child custody proceedings including a Court of Indian Offenses; a court established and operated under the code or custom of an Indian tribe; or any other administrative body of a tribe which is vested with authority over child custody proceedings.
- (9) "Tribal Customary Adoption" means an adoption of an Indian child who is a dependent of a county court and that, pursuant to Welfare and Institutions Code section 366.24, is finalized by and through the customs, laws or traditions of the child's tribe. Termination of parental rights is not required to effectuate the adoption.
- (10) "Tribal Temporary Assistance to Needy Families (Tribal TANF)" refers to TANF program(s) operated by a federally-recognized American Indian tribe or association of tribes which have entered into an agreement with the federal government to conduct a Tribal TANF program and are authorized to provide TANF services to Indian people in the service area specified in the agreement.

- (11) "Tribal Title IV-E Agency" means a tribe, consortium of tribes, or tribal organization that has entered into an agreement with either the state or federal government to have oversight of its own foster care program and draw down Title IV-E funding for the cases of Indian children in its care.
- (12) "Tribally Approved Home" means a home that has been licensed or approved by an Indian tribe for foster care or adoptive placements of an Indian child using standards established by the tribe pursuant to ICWA at Title 25, U.S.C. section 1915, is not required to be licensed by the state or county, and is equivalent to a state or county licensed home. Background check requirements for foster or adoptive placement as required by Health and Safety Code sections 1522 and 1522.1 apply to a Tribally Approved Home.
- (13) "Tribally Specified Home" means a home that a tribe designates as its preferred placement option for an Indian child who is in the custody of the county. This may include but not be limited to any of the placement options outlined in Section 31-002(f)(8).

(u) (1) through (z) (Continued)

Authority Cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code and Assembly Bill 1695, Section 21, Chapter 653, Statutes of 2001.

Reference: Sections 224.1, 224.6, 300, 300(e), 306(b), 306.6, 309(d), 319, 319(f), 727, 11402, and 16507.5(b) (as amended by AB 1695, Chapter 653, Statutes of 2001), 360, 361, 361.2, 361.2(h), 361.3, 361.3(a)(8), 361.31, 361.4, 361.7, 362.7, 366.22, 366.24, 366.26, 366.3(e)(4) and (e)(8), 391, 636.1(e), 706.6(e), 727, 727.2, 728(d), 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 10553.1, 10553.12, 10554, 10850.4, 11100, 11105, 11108.15, 11155.5, 11362(a) and (b), 11400(a), 11391(a) through (d), 11400(aa), 11400(e) and (p), 11400(v), 11402, 11404, 11467.1, 16001.5, 16001.9, 16010, 16012, and 16501, 16501(a)(3), 16501.1(f)(7), 16503, 16504, 16506, 16506(e), 16507.5(b), 16516.5, 16520, 16521, 17736, and 18951(d), Welfare and Institutions Code; Sections 11105.08, 11165 et seq., and 11170, Penal Code; Section 265, Civil Code; 25 USC 1901, 1903, 1912(d), 1915, 1919, and 1931(b), 42 U.S.C. Section 673, 675, 679 and 1305; 45 CFR 233.120; Sections 1502, 1502(a)(8), 1505, 1505.2, 1522, 1522.06, and 1530.8, Health and Safety Code; 42 U.S.C. Sections 673(d), and 675(5) and (8)(B); Sections 7002, 7901, 7911, 7911.1, and 7912, Family Code; Public Law 105-89 (Adoption and Safe Families Act of 1977); and California Rules of Court, Rule 5.552, of the California Rules of Court.

Amend Section 31-003 to read:

31-003 DEFINITIONS -- FORMS

31-003

(a) ~~(Reserved)~~ (1) "AAP 4" (Rev. 9/13) means the form entitled "Eligibility Certification Adoption Assistance Program" hereby incorporated in its entirety by reference.

(b) - (e) (Continued)

(f) ~~(Reserved)~~ (1) "FC 2" (Rev. 11/04) means the form entitled "Statement of Facts Supporting Eligibility for Aid to Families with Dependent Children (AFDC) Foster Care" hereby incorporated in its entirety by reference.

(2) "FC 3" (Rev. 11/04) means the form entitled "Determination of Federal AFDC-FC Eligibility" hereby incorporated in its entirety by reference.

(3) "FC 3 A (Supplement)" (Rev. 11/04) means the form entitled "AFDC-FG/U Worksheet" hereby incorporated in its entirety by reference.

(g) - (h) (Continued)

(i) ~~(Reserved)~~ (1) "ICPC-100A" (Rev. 8/01) means the form entitled "Interstate Compact on the Placement of Children Request" hereby incorporated in its entirety by reference.

(2) "ICPC-100B" (Rev. 8/01) means the form entitled "Interstate Compact on the Placement of Children Report on Child's Placement Status" hereby incorporated in its entirety by reference.

(j) ~~(Reserved)~~ Judicial Council Forms:

(1) "ICWA-010(A)" (Rev. 1/08) means the form entitled "Indian Child Inquiry Attachment" hereby incorporated in its entirety by reference.

(2) "ICWA-020" (Rev. 1/08) means the form entitled "Parental Notification of Indian Status" hereby incorporated in its entirety by reference.

(3) "ICWA-030" (Rev. 1/08) means the form entitled "Notice of Child Custody Proceeding for Indian Child" hereby incorporated in its entirety by reference.

(4) "ICWA-030(A)" (Rev. 1/08) means the form entitled "Attachment to Notice of Child Custody Proceeding for Indian Child" hereby incorporated in its entirety by reference.

(k) (1) (Continued)

(2) "KG-2" (Rev. 1/11) means the form entitled "Statement of Facts Supporting Eligibility for Kinship Guardianship Assistance Payment" hereby incorporated in its entirety by reference.

~~(2)~~ (3) (Continued)

(l) - (r) (Continued)

(s) (1) "SOC 155C" (Rev. 1/00) means the form entitled "Voluntary Placement Agreement Parent/Agency (Indian Child)" hereby incorporated in its entirety by reference.

~~(12)~~ (Continued)

~~(23)~~ (Continued)

~~(34)~~ (Continued)

~~(45)~~ (Continued)

~~(56)~~ (Continued)

~~(67)~~ (Continued)

(t) - (z) (Continued)

Authority Cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code.

Reference: *Gomez v. Saenz* Settlement Agreement and Court Order, Case No: BC284896; Section 11169, Penal Code; ~~and~~ Sections 361.7, 827, 10850.4, 11363(d), 11364(a) and (b), 11386(h), 11387(a) and (b), 11400(a), 11403(b), and 11403.01, Welfare and Institutions Code; and 42 U.S.C. Section 5106; 25 USC 1912(d); California Rules of Court, rules 5.481 and 5.482; and 45 CFR 1356.21(d).

Amend Section 31-005 to read:

31-005 CHILD WELFARE PROGRAM SUPPORT ACTIVITIES

31-005

.1 The county shall perform the following program support activities:

.11 Establish an effective system of Pre-Placement preventive services for children through liaison with the courts, ~~and with~~ probation, law enforcement, and other public and private agencies.

.111 Such a system shall provide for cooperative working arrangements with other county and community agencies for receiving appropriate referrals, and for developing remedial resources for the protection of children. In the case of an Indian child(ren), cooperative arrangements should include tribes, tribal social service agencies and Indian organizations.

.12 through .171 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.7, 827, 10850, 16500, and 16501.1(f)(9) (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), Welfare and Institutions Code; and 45 CFR 1340.15(c)(2)(ii); and 25 USC 1912(d).

Amend 31-040 to read:

31-040 PARTICIPANTS IN THE REVIEW

31-040

.1 The following parties to the case under review shall be allowed to participate in the administrative review hearing:

.11 The parent(s)/guardian(s)/Indian custodian(s) from whom the child has been removed, provided that such person'(s) parental rights have not been voluntarily relinquished, or terminated by court action.

.12 In the case of an Indian child, the child's tribe.

~~.12~~.13 (Continued)

~~.13~~.14 (Continued)

~~.14~~.15 (Continued)

.15.16 The social worker(s) responsible for the case management or service delivery of the child or parent(s)/guardian(s)/Indian custodian(s).

~~.16~~.17 The representative(s), as defined in Section 31-002(r)(3)(4).

~~.161~~.171 (Continued)

Authority Cited: Sections 10553, ~~and~~ 10554 and 16503, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code; and 25 USC 1911(c).

Amend Section 31-066 to read:

**31-066 MULTIDISCIPLINARY TEAM ASSESSMENT AND
RECOMMENDATION FOR PLACEMENT IN
OUT-OF-STATE GROUP HOME**

31-066

.1 (Continued)

.2 For out-of-state group home placement purposes a "Multidisciplinary Team" means a team composed of county social services, county mental health, county probation, county superintendents of schools, and other members as determined by the county. With the addition of a county superintendent of schools member, a county's Interagency Placement Committee, as defined in Welfare and Institutions Code Section 4096, may also act as a county Multidisciplinary Team.

.21 In the case of an Indian child, pursuant to WIC section 361.31(g), the Multidisciplinary Team shall include a tribal social worker, or a representative of the child's tribe at team meetings in order to provide relevant information about the child.

.211 In making a decision whether to place the Indian child in an out of state group home, any placement decision shall be made consistent with ICWA placement preference requirements as specified in Section 31-420.3, and the agency's duties to engage in Active Efforts to comply with those placement preferences.

.3 - .32 (Continued)

.4 In assessing a child's need for an out-of-state placement, the multidisciplinary team shall consider, but is not limited to, a review of the current circumstances precipitating the request for an out-of-state placement, including a review of the reasonable efforts/services provided prior to the placement of the child in foster care or to make it possible for the child to return home, the services provided to prevent an out-of-home placement, the current location of the child and length of time there, situation and location of parents/siblings, descriptions of out-of-state placement resource(s) or type of placement resource being sought, the child's attitude toward placement, and the parents' attitude towards placement.

.41 (Continued)

.42 An assessment of the child shall include the Hhistory of the family including current functioning (education, employment, social and health).—Current and the family's anticipated involvement with the child.

.421 In the case of an Indian child, the assessment shall include consultation with the Indian child's tribe regarding the impact of the child's out of state placement on the child's retention of connections with his or her family, extended family and tribe or tribal community and the tribe's position on the placement. Where the tribe's position is that the out of state placement is contrary to the ICWA placement preferences, only the court can determine that there is good cause to deviate from the preferences.

- .43 Permanent plan for the child: Documentation of other options available for the child's permanent placement (reunification, adoption, Tribal Customary Adoption, guardianship or preparation for independent living), anticipated duration of the proposed placement, and the relationship of proposed placement to the permanent plan.

HANDBOOK BEGINS HERE

~~.431~~ (Continued)

HANDBOOK ENDS HERE

.5 - .61 (Continued)

Authority Cited: Sections 10553, 10554, and 16501.1, Welfare and Institutions Code.

References: Sections 7901, 7911, 7911.1, and 7912, Family Code; ~~and~~ Sections 361.21, 361.31, 366.24, 727.1, and 16516.5, 18951, and 18964, Welfare and Institutions Code; and 25 USC 1915.

Amend Section 31-075 to read:

31-075 CASE RECORDS

31-075

.1 (Continued)

- .2 With the exception of an Indian child as stated below, Case records shall be maintained at a minimum of three years in accordance with Manual of Policies and Procedures Operations Manual Section 23-353. The Department requires case records to be retained more than three years in certain circumstances such as, court orders, audits and/or federal mandates.

HANDBOOK BEGINS HERE

- ~~.21 The Department requires case records to be retained more than three years in certain circumstances such as, court orders, audits and/or federal mandates.~~

HANDBOOK ENDS HERE

- .21 An Indian child's case records, including eligibility records, shall be maintained in perpetuity and made available at any time upon request of the Secretary of the Interior or the Indian child's tribe as required by 25 U.S.C. 1915 (e) and Welfare and Institutions Code section 361.31(k). Records and information regarding an Indian child must be entered into the Statewide Automated Child Welfare Information System (SACWIS) and shall never be removed via Data Deletion Requests.
- .3 Each record shall contain at least the following information:
- (a) A face sheet with identification information regarding the child; family; Indian ancestry, tribal membership or eligibility for tribal membership; and the placement services provider, if any.
 - (b) Documentation of ~~all~~ each contacts with the child, the child's family and extended family; the child's Indian custodian; an Indian tribe, where there is reason to know that a child is or may be an Indian child, or any other individuals regarding the child or family. All contacts shall be documented including those made by a social worker employed by a Foster Family Agency, by a probation officer, or by a social worker in another State performing the visits pursuant to the ICPC.
 - (c) Documentation of each contact identified and the results of an inquiry conducted as to whether the child is or may be an Indian child as set forth in Section 31-125.223. The documentation shall include, but is not limited to, copies of the completed Judicial Council's Indian Child Inquiry Attachments ICWA-010(A) required by California Rules of Court, rule 5.481(a), and the ICWA-020 Parental Notification Of Indian Status required by California Rules of Court, rule 5.481(a)(2).

HANDBOOK BEGINS HERE

California Rules of Court rule 5.481(a) requires completion of the ICWA-010(A) and the ICWA-020 in each case where a party is seeking a foster care placement of a child. The ICWA forms are available on the Judicial Council's website at <http://www.courts.ca.gov>. The Judicial Council website contains resources pertaining to ICWA requirements and best practices for meeting the ICWA and court requirements. Additionally, Judicial Council staff is available to answer questions and provide technical assistance. They can be reached at:

Judicial Council
Center for Families, Children & the Courts
Tribal/State Programs Unit
455 Golden Gate Avenue, 6th Floor
San Francisco, California
94102-3688

E-mail
cfcc@jud.ca.gov

HANDBOOK ENDS HERE

- (d) Copies of each Notice of Child Custody Proceeding for Indian Child (ICWA-030) must be sent to an Indian child's parent(s) or Indian custodian, if any, the Indian child's tribe and to the Secretary of the Interior. The case record shall include the registered or certified mail return receipt and each response, including documentation of all verbal communications, such as notes of conversations or meetings with tribal representatives, parent(s), guardian(s), or Indian custodian(s).
- (e) In the case of an Indian child, documentation of the Active Efforts taken to identify and provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and whether these efforts proved unsuccessful and why as described in Section 31-135.23. "Documentation of Active Efforts must be included in the case plan which is required as an attachment to all court reports."
- (f) In the case of an Indian child, documentation of the Active Efforts taken to comply with the ICWA placement preferences as described in Section 31-420.3 including whether these efforts proved unsuccessful. If unsuccessful, document the reasons why. "Documentation of Active Efforts must be included in the case plan which is required as an attachment to all court reports."

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Welfare and Institutions Code section 361.31(k) states: "A record of each foster care placement or adoptive placement of an Indian child shall be maintained in perpetuity by the State Department of Social Services. The record shall document the Active Efforts to comply with the applicable order of preference specified in this Section."

HANDBOOK ENDS HERE

~~(e)~~(g) (Continued)

~~(d)~~(h) (Continued)

~~(e)~~(i) (Continued)

HANDBOOK BEGINS HERE

~~(1)~~ (Continued)

HANDBOOK ENDS HERE

~~(f)~~ through ~~(r)~~ renumbered to (j) through (v) respectively (Continued)

~~(s)~~(w) When appropriate, the following forms or equivalent documentation, which have been approved by the Department:

(1) - (9) (Continued)

(10) For a Tribally Approved Home, documentation from the tribe, such as a tribal council resolution, or a letter on tribal letterhead confirming tribal approval of the home as meeting tribal standards for the purposes of foster or adoptive placement.

(A) Documentation that prior to placement of a child in a Tribally Approved Home, criminal record and child abuse registry background checks have been completed.

(B) If the tribe has a Tribal Agency that is authorized, pursuant to Welfare and Institutions Code section 10553.12, to receive criminal and child abuse registry information from the California Department of Justice, documentation of the following:

1. The Tribal Agency's certification that it has completed caregiver background checks pursuant to the standards set forth in Sections 1522 and 1522.1 of the Health and Safety Code, with respect to the following:
 - a. any prospective foster parent,
 - b. adoptive parent,
 - c. any adult who resides with the applicant,
 - d. any adult employed in the Tribally Approved Home,
 - e. any person who has a familial or intimate relationship with any person living in the home of an applicant.
 - f. The certification must provide the address of the home, the names of the individuals in the household that have been cleared, the date of the completion of the clearance for each individual, and if any exemptions were granted.
2. Documentation that the Tribal Agency has agreed to report, within 24 hours to the county social worker responsible for the child placed in the Tribally Approved Home, any notification to the Tribal Agency by the Department of Justice of a subsequent state or federal arrest or disposition notification involving an individual associated with the Tribally Approved Home.

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Tribes are not required to have a Title IV-E agreement in order for counties to be authorized to use Tribally Approved Homes for the placement of children under county care.

HANDBOOK ENDS HERE

(t)(x) (Continued)

(u)(y) (Continued)

~~(v)~~(z) Documentation of the review and the results of the child's potential for adoption, which shall specify why a child who is not reunified with his/her family is not appropriate for adoption as defined in Welfare and Institutions Code Sections 366.26(c)(1)(A) through (D). In the case of an Indian child, documentation shall also include the review and the results of discussions with the child's tribe concerning concurrent planning including the potential for Tribal Customary Adoption as a permanency option for the Indian child. Courts reports shall include information and supporting evidence on the outcome of consultation with the tribe regarding Tribal Customary Adoption.

Authority Cited: Sections 10553, 10554, 16002, and 16501, Welfare and Institutions Code and Assembly Bill 1695, Section 21, Chapter 653, Statutes of 2001.

Reference: Sections 224.2, 224.3, 309, 319, 358(b), 361.2, 361.3, 361.31, 361.4, 361.5, 361.7, and 366.21 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 366.26(e), 727, 10553.12, 10851, 11363(a)(3) and (a)(4), 11386(d) and (e), 11402, 16002, 16501, and Sections 309(d), 319, 361.2, 727, 11402, and 16507.5(b), (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), Welfare and Institutions Code; Sections 1505, 1522, and 1522.1, Health and Safety Code; 45 C.F.R. 74.20; 45 C.F.R. 1356.21(d); and Sections 11105.08 and 11170(b), Penal Code; California Rules of Court, rules 5.481 and 5.690; 45 CFR 74.20, 1355.20, and 1356.21(d); and 25 USC 1912, 1915, and 1931.

Amend 31-101 to Read:

31-101 GENERAL

31-101

- .1 The county shall respond to all referrals for service which allege that a child is endangered by abuse, neglect, or exploitation.

.11 On all referrals, the county shall inquire with the child, if the child is old enough, the child's parent(s), legal guardian(s), or the child's Indian custodian, whether the child is an Indian child and shall identify and document each response.

~~.11,12~~ (Continued)

.2 - .41 (Continued)

- .5 Within 30 calendar days of the initial removal of the child or the in-person investigation, or by the date of the dispositional hearing, whichever comes first, the social worker shall:

.51 Determine whether child welfare services are necessary and:

.511 (Continued)

.512 In the case of an Indian child, if child welfare services are necessary, prepare, complete and implement the case plan in collaboration with the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers in accordance with the time frames and schedules specified in Chapter 31-210.

~~.512,513~~ (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 224.3, 361.7, 11254, 16208, 16501(f), 16501.1, and 16504, and 16504(d), Welfare and Institutions Code; California Rules of Court, rules 5.690(c) and 5.481(a); and 25 USC 1912(d).

Amend 31-105 to read:

31-105 EMERGENCY RESPONSE PROTOCOL

31-105

.1 (Continued)

.11 In order to be approved as a substitute for the Emergency Response Protocol form, the substitute shall at a minimum contain all of the following elements:

.111 The following identifying information:

(a) - (c)(5) (Continued)

(d) Information regarding each adult in the household, which shall include:

(1) - (4) (Continued)

(5) Tribal affiliation,

~~(5)~~(6)(Continued)

~~(6)~~(7)(Continued)

~~(7)~~(8)(Continued)

(e) - (2) (Continued)

(f) Information regarding each minor child in the family, which shall include:

(1) - (4) (Continued)

(5) Tribal affiliation,

~~(5)~~(6)(Continued)

~~(6)~~(7)(Continued)

~~(7)~~(8)(Continued)

~~(8)~~(9)(Continued)

.112 - .113 (Continued)

.114 Information regarding the collateral contacts, including the following:

(a) - (b) (Continued)

(c) Agency affiliation or person's relationship to the child, ~~and~~

(d) Contacts with tribe(s), extended family, Indian organizations, other Indian service providers, and

~~(d)~~(e) (Continued)

.115 - (g) (Continued)

.116 The decision whether an in-person investigation is required, including the following outcome options-:

(a) (Continued)

(b) Evaluate out, with a referral to an appropriate community agency; ~~or~~

(1) Where there is reason to know that a child is or may be an Indian child, evaluate out with a referral to the Indian child's tribe, an Indian organization or other Indian service provider, if available; or

HANDBOOK BEGINS HERE

ICWA requires Active Efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. It is therefore essential for the social worker when determining to evaluate out a call involving an Indian child, to identify culturally relevant community services that can help support the Indian family. Referrals can include known Indian service providers such as local tribes, tribal ICWA programs, or Tribal TANF programs.

HANDBOOK ENDS HERE

(c) (Continued)

.117 When the decision is to evaluate out, either with or without a referral to another community agency, the following information shall be documented and included:

(a) Rationale for the decision; and

- (1) In the case of an Indian child, documentation of referrals made to the child's tribe, or Indian service providers as specified in Section 31-105.116(b)(1) and if not utilized, why not, and why these efforts proved unsuccessful.

(b) - .213 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 224.3, 361.7, 16208 and 16504, Welfare and Institutions Code; California Rules of Court rule 5.690(c); and 25 USC 1912(d).

Amend Section 31-110 to read:

31-110 IN-PERSON INVESTIGATIONS

31-110

- .1 (Continued)
- .2 If the social worker determines that an in-person investigation is not necessary, but that the services of another community agency are appropriate, the social worker shall refer the reporter or child and family to that agency. In the case of an Indian child the social worker shall also identify and refer the family to culturally appropriate services such as those available through the child's tribe, an Indian organization or other Indian service providers if available.
- .21 (Continued)
- .3 If the social worker determines that an in-person investigation is necessary, the social worker shall make the in-person investigation immediately or within 10 calendar days, as appropriate.
 - .31 During the course of the in-person investigation the social worker shall inquire with the child, if the child is old enough, the child's parent(s), legal guardian(s), or the child's Indian custodian whether the child is or may be an Indian child.
 - .32 If it is known, or there is reason to know, that the referral involves an Indian child the social worker shall contact the designated representative of the child's tribe so that Active Efforts to prevent the breakup of the Indian family can be commenced and coordinated by the social worker, unless there is imminent danger of physical damage or harm to the child and immediate removal is required.
 - .33 If the child is in imminent danger of physical damage or harm and an immediate removal is required, the social worker must contact the child's tribe as soon as possible thereafter.

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Initial inquiry regarding Indian heritage is vital to beginning contact with the child's family and tribe, and complies with ICWA requirements to engage in Active Efforts to prevent the breakup of the Indian family. Further, asking such questions enables documentation of the worker's and county agency's attempts to collaborate with the tribe in early intervention and prevention of removal of the child from its community.

HANDBOOK ENDS HERE

.4 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 224.3, 361.7, 16208, 16501(~~f~~), and 16504, Welfare and Institutions Code; and 25 USC 1912(d).

Amend Section 31-115 to read:

31-115 IN - PERSON IMMEDIATE INVESTIGATION

31-115

- .1 The social worker shall conduct an in-person immediate investigation when:
 - .11 The emergency response protocol indicates the existence of a situation in which imminent danger to a child, such as physical pain, injury, disability, severe emotional harm or death, is likely.
 - .12 The law enforcement agency making the referral states that the child is at immediate risk of abuse, neglect or exploitation.
 - .13 The social worker determines that the child referred by a law enforcement agency is at in immediate risk of abuse, neglect, or exploitation.
- .2 Prior to removal from the home, the social worker shall inquire with the child, if the child is old enough, the child's parent(s), legal guardian(s), or the child's Indian custodian whether the child is or may be an Indian child.
 - .21 If it is known, or there is reason to know, that the referral involves an Indian child, the social worker shall contact the designated representative of the child's tribe, so that Active Efforts to prevent the breakup of the Indian family can be commenced and coordinated by the social worker.
 - .211 If there is imminent danger of physical damage or harm to the child and immediate removal is required, contact must be made with the designated representative of the child's tribe as soon as possible thereafter.
 - .212 If an emergency removal and emergency placement is necessary to prevent imminent physical damage or harm to the Indian child, it should be as short as possible.

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When a social worker is considering removal and making a foster care placement of an Indian child, the ICWA requires that they engage in Active Efforts to provide remedial, rehabilitative services to prevent the breakup of the Indian family. Such Active Efforts can include, but are not limited to contacting any known collaterals, family members, or known local tribes, Indian organizations, or other Indian service providers that can assist in providing support to the family.

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 224.3, 361.7, 16208, 16501(4), and 16504, Welfare and Institutions Code.

Amend Section 31-120 to read:

31-120 IN-PERSON INVESTIGATION WITHIN 10 CALENDAR DAYS 31-120

- .1 The social worker shall conduct an in-person investigation of the allegation of abuse, neglect, or exploitation within 10 calendar days after receipt of a referral when:
 - .11 The emergency response protocol indicates that an in-person investigation is appropriate and the social worker has determined that an in-person immediate investigation is not appropriate.
 - .12 The law enforcement agency making the referral does not state that the child is at immediate risk of abuse, neglect, or exploitation and the social worker determines that an in-person immediate investigation is not appropriate.
- .2 If it is known or there is reason to know that the referral involves an Indian child, the social worker shall contact the designated representative of the child's tribe so that Active Efforts to prevent the breakup of the Indian family can be commenced and coordinated with the tribe.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 224.3, 361.7, 16208, 16501(4), and 16504, Welfare and Institutions Code.

Amend section 31-125 to read:

31-125 INVESTIGATION REQUIREMENTS

31-125

.1 - .21 (Continued)

.22 If as a result of the investigation the social worker does not find the referral to be unfounded, the social worker shall:

.221 - (b)(1) (Continued)

.222 Make necessary collateral contacts with each persons having knowledge of the condition of ~~the children~~ each child that is the subject of an allegation, including tribes, Indian organizations, or other Indian service providers when the child is or may be Indian.

.223 In all cases the social workers shall inquire with the child, if the child is old enough, the child's parent(s), legal guardian(s), or the child's Indian custodian, whether the child is or may be an Indian child, and complete and file with the court the Judicial Council Indian Child Inquiry Attachment form ICWA-010(A). Additionally, the social worker must provide the ICWA-020 Parental Notification of Indian Status to the parent, Indian custodian or guardian for completion and file it with the court. Social workers have an affirmative and continuing duty to inquire about a child's Indian status.

(a) Circumstances that may give rise to a further duty to inquire include, but are not limited to, the following:

(1) Information is provided by the child, parent or Indian custodian, an officer of the court, a tribe, an Indian organization, a public or private agency, or an extended family member suggesting the child may be Indian;

(2) Any agency involved in child protective or family support services has discovered information suggesting that the child is an Indian child.

(3) Information is provided that one or more of the child's biological parent(s), grandparent(s), or great-grandparent(s) are or were a member of a tribe;

(4) The residence or domicile of the child, or the child's parent(s), guardian(s), or Indian custodian(s) is in a predominantly Indian community; or

- (5) The child or the child's family has received services or benefits available to Indians from a tribe or from the federal government, such as Indian Health Services.
- (6) An employee of the agency or officer of the court involved in the proceeding has knowledge that the child may be an Indian child.

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California Rules of Court, rule 5.481(a)(1) requires completion of the ICWA-010(A) and ICWA-020 Parental Notification of Indian Status for inquiry documentation. ICWA forms are available on the Judicial council's website at <http://www.courts.ca.gov>.

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- .224 If the results of the inquiry indicate that the child is, or may be, an Indian child and a petition for removal pursuant to Welfare and Institutions Code section 313 is filed, the social worker must complete and comply with the notice requirements of Section 31-125.7.
- .225 If the results of the inquiry indicate that the child is, or may be, an Indian child except that the child's tribe is a non-federally recognized tribe, and a petition for removal pursuant to Welfare and Institutions Code section 313 is filed, the social worker is authorized to inform the tribe that the tribe may seek permission to participate in the child's dependency case at the discretion of the court, pursuant to Section 306.6 of the Welfare and Institutions Code.

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Welfare and Institutions Code section 306.6(b) provides, as it pertains to non-federally recognized tribes:

- "(b) If the court permits a tribe to participate in a proceeding, the tribe may do all of the following, upon consent of the court:
 - (1) Be present at the hearing.
 - (2) Address the court.
 - (3) Request and receive notice of hearings.
 - (4) Request to examine court documents relating to the proceeding.
 - (5) Present information to the court that is relevant to the proceeding.
 - (6) Submit written reports and recommendations to the court.

- (7) Perform other duties and responsibilities as requested or approved by the court."

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.23 - .5 (Continued)

.51 Perform the requirements specified in Chapter 31-200.

~~.511 If a dependency petition is to be filed and it is determined that the child is or may be an Indian child, the social worker shall follow the procedures in Section 31-515.~~

- .6 In addition to inquiry required in Section 31-125.223 the social worker shall provide a copy of and explain the Parental Notification of Indian Status form (ICWA-020) to the parent(s), Indian custodian or guardian, if any, and ask that the form be completed.

HANDBOOK BEGINS HERE

California Rule of Court, rule 5.481(a)(2) requires completion of the ICWA-020. Pursuant to this rule, the court may also order the county to use reasonable diligence to locate and ask a parent, Indian custodian, or guardian to complete the form if the parent, Indian custodian, or guardian does not personally appear at a hearing. ICWA forms are available on the Judicial Council's website at <http://www.courts.ca.gov>.

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- .7 If, as a result of the inquiry required in Section 31-125.223, the social worker knows or has reason to know that the child is or may be an Indian child and a dependency petition is filed, notice of the proceeding(s) shall be sent to the child's parent, guardian, or Indian custodian, if any, and the tribe or tribes with whom the child is a member or eligible for membership or potentially affiliated. The social worker should secure verification from a tribe as early as possible to facilitate provision of Active Efforts as soon as possible. Notices shall be sent as follows:

.71 Notice shall be sent by registered or certified mail with return receipt requested.

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Sending follow-up notice by first-class mail is recommended to facilitate Active Efforts and engagement of the tribe(s).

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- .72 Notice to a tribe shall be sent to its tribal chairperson unless the tribe has designated another individual on the list of "Indian Child Welfare Act Designated Tribal Agents for Service of Notice" published by the Department of the Interior, Bureau of Indian Affairs (BIAs). If an agent has been designated by a tribe, it is mandatory that the notice be sent to the agent.

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The ICWA provides that Indian tribes may designate an agent other than the tribal chair for service of notice of proceedings under the ICWA. The BIA list of designated tribal agents for service of ICWA notice can be found at: <http://www.bia.gov/cs/groups/public/documents/text/idc012540.pdf>. Always check for the most current publication of the BIA list as it is generally updated on an annual basis.

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- .73 Notice shall also be sent directly to the Secretary of the Interior and to the Bureau of Indian Affairs, Sacramento Area Director regardless of whether the identity or location of the parent/guardian/Indian custodian or the child's tribe is known or unknown. Notices shall be sent to the following two addresses:

Secretary of the Interior
Bureau of Indian Affairs, Sacramento Area Director
2800 Cottage Way
Sacramento, CA 95825; and,

Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240.

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California expanded the ICWA notice requirements to include sending a copy directly to the Secretary of the Interior even where the tribe is known.

Welfare and Institutions Code section 224.2(a)(4) states:

"If the identity or location of the parents, Indian custodians, or the minor's tribe is known, a copy of the notice shall also be sent directly to the Secretary of the Interior, unless the Secretary of the Interior has waived the notice in writing and the person responsible for giving notice under this section has filed proof of the waiver with the court."

HANDBOOK ENDS HERE

.731 Notice shall be sent using the *Notice of Child Custody Proceeding for Indian Child* (form ICWA-030). The notice must be sent by registered or certified mail and the notice must be sent far enough in advance that it will be received at least 10 days before the hearing date.

.732 Notice shall continue to be sent regarding each hearing to each tribe in which an Indian child may be a member or eligible for membership.

(a) Once a tribe has acknowledged a child is a member or eligible for membership or has intervened in the proceeding, subsequent notices of the proceedings only need to be sent to the child's tribe and no longer need to include the ancestral information, a copy of the petition in the proceeding, a copy of the child's birth certificate, nor the statement of rights.

.74 Each notice sent, its return receipt, and each response received shall be maintained and a copy of each filed with the court.

.75 Notice must be sent in a manner to ensure an Indian child's parent or legal guardian or Indian custodian, if any, and the tribe receive the notice at least 10 days prior to the hearing date. Upon request an additional 20 days will be granted. Notice prior to detention hearing must be sent as soon as possible after the filing of a petition and proof of notice filed within 10 days after filing the petition.

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Welfare and Institutions Code Section 224.2(d) provides, in part, that with the exception of a detention hearing, the parent, Indian custodian, or the tribe shall, upon request, be granted up to 20 additional days to prepare for the proceeding.

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.76 If at the time of the dependency court appearance, no determination of tribal standing is made by the tribe or there has been no response from the tribe regarding the child's status as an Indian child, as defined by the ICWA, the social worker shall:

.761 Advise the court of all information which indicates that the child may be an Indian child.

.762 Advise the court of all efforts made to establish and verify the child's status as an Indian child including contacts made with parents, Indian custodians, extended family and why information may be missing from form ICWA-030.

.763 Request direction from the court on how to proceed with the dependency action.

.764 Continue contacts with the tribe and the BIA until the question of the child's status as an Indian child, as defined by the ICWA, has been resolved and the resolution is documented in the case record for future reference.

.765 If after notice has been provided and neither the tribe nor the BIA has provided a determinative response within 60 days after receiving that notice, then the court may determine that the ICWA does not apply to the proceedings, provided that the court must reverse its determination of the inapplicability of the act and must apply it prospectively if a tribe or the BIA subsequently confirms that the child is an Indian child.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 224.2, 224.3, 300, 306.6, 361.7, 16504, 16509, and 16509.1, Welfare and Institutions Code; Section 11165.12, Penal Code; ~~and 25 USCA Section 1901 et seq.; and California Rules of Court, rule 5.481.~~

Amend Section 31-135 to read:

31-135 AUTHORITY FOR REMOVAL OF CHILD

31-135

- .1 When the social worker determines that the child cannot be safely maintained in his/her own home, the social worker shall ensure that authority to remove the child exists prior to removal.
- .11 If removal is voluntary, such authority shall be a the written consent of the parent/guardian/Indian custodian; and in the case of an Indian child the social worker shall comply with the consent requirements that are more fully set forth in Section 31-430.
- .111 In the situation where the placement may no longer be voluntary, in that there is a determination the child will not be returned to the parent/guardian/Indian custodian, the social worker must comply with the higher requirements of ICWA including the duty to engage in Active Efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and to comply with the ICWA placement preferences.
- .12 (Continued)
 - .121 If a determination has been made in accordance with Welfare and Institutions Code Section 308 that the minor or his/her foster family would be endangered or his/her custody would be disturbed by the disclosure to the parent(s)/guardian(s)/Indian custodian of the minor's exact whereabouts, the social worker shall notify immediately the parent(s)/guardian(s)/Indian custodian either in-person or by telephone of his/her right to apply for judicial review of that determination within 24 hours.
 - (a) If the social worker fails to notify the parent(s)/guardian(s)/Indian custodian(s) as specified in Section 31-135.121, the social worker shall document in the case record the reason(s) for failure to do so.
 - .122 If the child is an Indian child, involuntary removal must be supported by clear and convincing evidence that the continued custody of the child by the parent or Indian custodian was likely to result in serious emotional or physical damage to the child. The determination on emotional or physical damage to the child must be supported in court by the testimony of a qualified expert witness.

- .2 The social worker shall document in the case record ~~any all preplacement~~ Pre-Placement preventive efforts made and services provided.

.21 (Continued)

.22 (Continued)

- .23 In the case of an Indian child, pre-placement preventive efforts shall include Active Efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family prior to the removal of a child from the family.

.231 Active Efforts shall include but not be limited to the following efforts to:

- (a) Identify the child's Indian heritage in the assessment process.
- (b) Take into account the prevailing social and cultural standards, and way of life of the Indian child's tribe.
- (c) Utilize tribal resources to support Pre-Placement preventive efforts, including resources available from the child's extended family, tribe, tribally based family preservation and reunification or other services when available; and non-Indian resources when tribal resources are not available.

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Examples of Active Efforts are provided in Section 31-002(a) based on the 2012 BIA Guidelines A.2. Additional examples of Active Efforts include, but are not limited to, the following:

- (1) Facilitating identification of tribal services, such as financial assistance, food, housing, health care, mental health treatment, substance abuse prevention & treatment, parenting classes, and transportation. Local Tribal TANF agencies may be able to provide necessary supports to the family to prevent the breakup of the Indian family.
- (2) Integrating tribal social workers or representatives into multidisciplinary teams pursuant to Welfare and Institutions Code sections 18951(d)(4) and 18964.
- (3) Requesting the child's tribe's participation in multidisciplinary team as provided under Welfare and Institutions Code section 18951.

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- .233 The social worker shall document in the Indian child's case files the Active Efforts to prevent the removal of the child. If the determination is to remove the child, the social worker must document that the Active Efforts proved unsuccessful and the reasons why, and include this information in court reports.
- .234 When it comes to the attention of the social worker that an Indian child that has been removed from the custody of his or her parent(s), or Indian custodian(s), is already a ward of the child's tribe or subject to the exclusive jurisdiction of the child's tribe, the social worker shall notify the tribe of the removal, pursuant to Welfare and Institutions Code section 305.5(a), no later than the next working day following the removal. The social worker shall do the following:
- (a) Notify the child's tribe in writing that the child has been taken into protective custody, that a petition pursuant to Welfare and Institutions Code section 313 is pending or has been filed, and that the county has reason to believe the child is a ward of the tribe or subject to the tribe's exclusive jurisdiction. The notice shall:
 - (1) Provide the child's name, date of birth, name of parent or Indian custodian, and the date of removal.
 - (2) Request that the tribe confirm if the child is a ward of its tribal court or under its exclusive jurisdiction.
 - (3) Inform the tribe that upon receipt of written confirmation that the child is a ward or under the tribe's exclusive jurisdiction, a request shall be made to the juvenile court for an order to transfer the child custody proceeding to the tribe pursuant to Welfare and Institutions Code sections 381 and 305.5.
 - (4) Inform the tribe that additional information regarding the circumstances that created the reason for the removal of the child may be requested by the tribe, along with information necessary to confirm the child's status with the tribe.
 - (b) The notice shall be addressed to the tribal chair or the ICWA designated agent for service and sent via facsimile or secure email. If communication by secure email or facsimile is not available, then notice shall be sent via overnight delivery. In addition, contact with the tribe shall be made by telephone to inform the tribe of the removal of the child.
 - (c) Upon written confirmation of the child's status as a ward of the tribe or as subject to its exclusive jurisdiction, the social worker shall initiate before the juvenile court a petition to transfer pursuant to Welfare and Institutions Code section 305.5(a) and seek a determination pursuant to Welfare and Institutions Code section 381.

- (d) When the order to transfer the child custody proceeding to the tribe is issued, the social worker shall within 24 hours make arrangements for the safe physical transfer of the child and release the child's entire case file for the current episode to the tribe subject to the tribe's agreement to maintain the documentation confidential consistent with state and federal law.
- (e) The social worker shall document each communication with the tribe regarding the notification of the removal, the final outcome and shall retain a copy of the entire case upon transfer of the child.
- (f) The social worker must advise the court of the facts that suggest the child may be a ward of a tribal court or subject to the exclusive jurisdiction of the tribe.

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Welfare and Institutions Code sections 305.5 and 381(c) provide for expedited review of transfer petitions and are to have precedence over all actions and civil proceedings not specifically given such precedence, and are to be heard at the earliest possible moment.

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- .3 If the child is in out-of-home placement following a voluntary removal, and the social worker determines that continued out-of-home placement is necessary for the child's protection, the county shall implement a voluntary placement agreement as specified in Section 31-430.31.

.31 A voluntary removal of an Indian child shall comply with the consent requirements for Indian children that are set forth in Section 31-430.

- .4 If the child is in temporary custody following an involuntary removal, and the social worker determines that continued detention is necessary for the child's protection, the social worker shall take the following action:

.41 (Continued)

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~~.411~~ (Continued)

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.42 If the child is an Indian child, involuntary removal from the parent or Indian custodian or placement out of the home must be supported by clear and convincing evidence that the continued custody of the child by the parent or Indian custodian was likely to result in serious emotional or physical damage to the child. The determination of emotional or physical damage to the child must be supported in court by the testimony of a qualified expert witness.

.421 A qualified expert witness should have specific knowledge of the Indian tribe's culture and customs. When selecting a qualified expert witness, the agency whenever possible should consider whether the child's tribe recognizes the individual as having substantial experience in the delivery of child and family services to Indians and knowledge of prevailing social and cultural standards and childrearing practices within the Indian child's tribe. Such an individual can include:

- (a) A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and childrearing practices.
- (b) A member of another tribe who is recognized to be a qualified expert witness by the Indian child's tribe based on their knowledge of the delivery of child and family services to Indians and the Indian child's tribe.
- (c) A layperson who is recognized by the Indian child's tribe as having substantial experience in the delivery of child and family services to Indians and knowledge of prevailing social and cultural standards and childrearing practices within the Indian child's tribe.
- (d) A professional person having substantial education and experience in the area of his or her specialty who can demonstrate knowledge of the prevailing social and cultural standards and childrearing practices within the Indian child's tribe.

.422 A qualified expert witness cannot be an employee of the person or agency recommending a foster care placement or termination of parental rights.

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The Welfare and Institutions Code sections 224.6(c) and (d) provide:

"(c) Persons with the following characteristics are most likely to meet the requirements for a qualified expert witness for purposes of Indian child custody proceedings:

- (1) A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and childrearing practices.
- (2) Any expert witness having substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and childrearing practices within the Indian child's tribe.
- (3) A professional person having substantial education and experience in the area of his or her specialty."

The 2015 BIA Guidelines at section D.4 provide guidance that there is a descending order on those individuals that are presumed to meet the characteristics of a qualified expert witness. The individuals listed in .421 are those presumed by the BIA Guidelines as meeting the characteristic of a qualified expert witness.

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.43 Consider the prevailing social and cultural standards and way of life of the Indian child's tribe, including that tribe's family organization and childrearing practices.

.44 The social worker may request the assistance of the Indian child's tribe or the BIA agency serving the Indian child's tribe in locating persons qualified to serve as an expert witness.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 224.3, 224.6, 305, 305.5, 306, and 308 (as amended by Assembly Bill 4122, Chapter 320, Statutes of 1990); 361.7, 381, and 16507.4, Welfare and Institutions Code; and 25 USC 1903(6), 1911, 1912, 1913(a), and 1915.

Adopt Section 31-136 to read:

31-136 TRANSFER OF AN INDIAN CHILD

31-136

- .1 Transfer of An Indian Child to A Tribe:** In the case of an Indian child under state court jurisdiction, where a petition is granted to transfer the case to a tribe the following shall apply:

 - .11** In all cases where a child is being transferred, the social worker shall ensure the physical transfer of the child, without undue delay, to the designated representative of the child's tribe or tribal program. The physical transfer of the Indian child to his or her tribe must be made consistent with local child welfare protocols that are mutually agreed upon between a county and a tribe, where such protocols exist.
 - .12** Where the transfer is not to a Tribal Title IV-E Agency pursuant to the juvenile court's order of transfer, the entire case file shall be provided to the tribe subject to the tribe's agreement to maintain the documentation confidential consistent with state and federal law. A copy of the file shall be retained by the child welfare agency.
- .2 Transfer to Tribal Title IV-E Agency:** Pursuant to 45 CFR 1356.67, in order to preserve the child's eligibility for federal Title IV-E AFDC-FC benefits, the following shall apply when an Indian child is being transferred from county jurisdiction to a Tribal Title IV-E Agency:

 - .21** The social worker shall transfer the child in a manner that does not affect the child's eligibility for or payment of Title IV-E or other federal benefits, including medical assistance under Title XIX.
 - .22** Prior to transfer of the child, the child's Title IV-E eligibility determination must be completed, and all documentation related to that determination shall be provided to the Tribal Title IV-E Agency.
 - .23** The entire case file for the child's current foster care episode shall be provided to the Tribal Title IV-E Agency. The child welfare agency shall retain a copy of the documents provided upon transfer.
 - .24** Essential documents that must be provided upon transfer are the following:

 - .241** All judicial determinations that continuation in the home from which the child was removed would be contrary to the welfare of the child and that reasonable efforts have been made to prevent or eliminate the need for removal of the child.
 - .242** Documentation that relates to the child's Title IV-E eligibility, including the following, as applicable:

- (a) Foster Care Form 3 (FC3) "Determination of Federal Aid to Families with Dependent Children (AFDC) Foster Care Eligibility".
- (b) Adoption Assistance Form 4 "Eligibility Certification Adoption Assistance Program" (AAP4).
- (c) Kinship Guardianship "Statement of Facts Supporting Eligibility for Kinship Guardianship Assistance payment (KinGAP)" (KG2).

.243 Documentation pertaining to the child's eligibility for other federal benefits including Medicaid programs under Title XIX, Social Security Disability or other federal benefits.

.244 The most recent provider's license or approval including background check documentation verifying clearances for all adults in the caregiver's household and complaint information.

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Certain California tribes that have entered into a Title IV-E agreement with the CDSS. In addition, there are tribes in other states that have entered into Title IV-E agreements with their states or directly with the Federal Administration on Children and Families. To the extent available, a list of IV-E tribal programs can be found on the CDSS ICWA website at: <http://www.childsworld.ca.gov/PG1322.htm>.

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.3 Transfer of a Ward of A Tribal Court or An Exclusive Jurisdiction Tribe:

- .31 Where the social worker is informed that an Indian child that has been taken into temporary protective custody is already a ward of a tribal court or is from an exclusive jurisdiction tribe, the social worker shall, no later than the next working day, seek written confirmation of the child's status from the tribe by providing notice as specified in Section 31-135.234.
- .32 Upon written confirmation of the child's status as a ward of the tribe or subject to its exclusive jurisdiction, the social worker shall expeditiously initiate a petition for the transfer of the child custody proceeding pursuant to Welfare and Institutions Code sections 305.5(a) and 381(a) and advise the state court of the facts that suggest the child may be ward of a tribal court or subject to the exclusive jurisdiction of a tribe.

- .33 When the court order to transfer the child custody proceeding to the tribe is issued, the social worker shall within 24 hours make arrangements for the safe physical transfer of the child and release the child's entire case file for the current episode to the tribe subject to the tribe's agreement to maintain the documentation confidential consistent with state and federal law. The child welfare agency shall retain a copy of the documents provided to the tribe upon transfer.

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Welfare and Institutions Code section 305.5(a) provides:

"(a) If an Indian child, who is a ward of a tribal court or resides or is domiciled within a reservation of an Indian tribe that has exclusive jurisdiction over child custody proceedings as recognized in Section 1911 of Title 25 of the United States Code or reassumed exclusive jurisdiction over Indian child custody proceedings pursuant to Section 1918 of Title 25 of the United States Code, has been removed by a state or local authority from the custody of his or her parents or Indian custodian, the state or local authority shall provide notice of the removal to the tribe no later than the next working day following the removal and shall provide all relevant documentation to the tribe regarding the removal and the child's identity. If the tribe determines that the child is an Indian child, the state or local authority shall transfer the child custody proceeding to the tribe within 24 hours after receipt of written notice from the tribe of that determination."

Questions regarding exclusive jurisdiction tribes or other issues related to transfers, contact the CDSS ICWA staff at:

Email: ICWA@dss.ca.gov
California Department of Social Services
Children and Family Services Division
744 P Street
Sacramento, CA 95814

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 305.5, 381, 827.15, and 10553.1, Welfare and Institutions Code; 25 USC 1911, 1918, and 1919; 42 USC 670, 679c et seq.; 45 CFR 1357.67; and PL 110-351.

Amend Section 31-201 to read:

31-201 ASSESSMENT AND CASE PLANNING PROCESS

31-201

.1 (Continued)

.11 (Continued)

.111 An assessment is completed for each child for whom child welfare services are to be provided, and includes gathering and evaluating information relevant to the case situation and appraising case service needs.

(a) In the case of an Indian child, the assessment shall include Active Efforts as specified in Sections 31-135.23 and 31-420.3. The assessment shall include information received from the child's tribe, the child's extended family and Indian service providers regarding the resources available to the child and the family. Additionally, in appraising the case service needs the social worker shall consider the child's tribe placement and permanency preferences when removal is necessary.

.12 (Continued)

.121 When determining the case plan goal, the social worker shall consider the following order of priority for services:

(a) Family maintenance services - In order to maintain the child in his/her own home, when the protective needs of the child can be met. In the case of an Indian child, family maintenance services shall include Active Efforts to provide remedial services and rehabilitative programs to prevent the breakup of the Indian family as described in Section 31-135.23.

(b) Family reunification services - If the family potentially can be successfully reunified within the time limits specified in Welfare and Institutions Code Sections 16507 and 16507.3. In the case of an Indian child, family reunification services shall include Active Efforts to provide remedial services and rehabilitative programs to prevent the breakup of the Indian family as described in Section 31-135.23. If the child is placed out of home and is receiving family reunification services, the case plan shall have two tracks:

(1) (Continued)

(2) (Continued)

- (c) Permanent placement services – Only when there are no feasible means of maintaining or reuniting the child with his/her parent(s)/guardian(s).

(1) - (2)(F) (Continued)

- (3) When recommending a permanent placement services, the social worker shall adhere to the following order of priority for permanent placement:

- (A) Adoption – Before the social worker recommends to the court that family reunification services be terminated, a case review conducted jointly by foster care and adoption staff to determine potential for adoption shall have been completed.

1. (Continued)

2. If the case review is to address a potential adoption of an Indian child, the following shall also apply when evaluating the child's permanency alternatives:

a. In any pre-adoptive or adoptive placement of an Indian child, preference shall be given, in the absence of good cause to the contrary, in descending priority order to placement with:

(i) A member of the Indian child's extended family which shall be defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent;

(ii) Other members of the child's tribe;

(iii) Another Indian family;

(iv) If a different order has been established by the tribe, the order preferred by the tribe so long as the placement is in the least restrictive setting appropriate for the child;

- (v) When no preferred placement is available, Active Efforts shall be made to place the child with a family committed to enabling the child to have extended family visitation and participation in the cultural and ceremonial events of the child's tribe.
- 3. If the permanent placement may lead to the termination of parental rights of the Indian child's parent, the social worker must consider that no termination may be ordered in such proceeding in the absence of a determination, which will have to be supported by evidence beyond a reasonable doubt; including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Evidence must also be presented that Active Efforts have been made designed to prevent the breakup of the Indian family and that the efforts proved unsuccessful.
- 4. Before the social worker recommends termination of parental rights, the review shall evaluate whether the termination of parental rights would substantially interfere with the child's connection to his or her tribal community, or tribal membership.
- 5. The review shall evaluate whether there is another planned permanent living arrangement for the child that does not require termination of parental rights but that nonetheless provides the child with permanency.
- 6. The review shall evaluate, after soliciting input and consulting with the child's tribe, whether a Tribal Customary Adoption is a potential option for the child pursuant to Welfare and Institutions Code Section 366.24.
- 7. If the tribe elects to consider Tribal Customary Adoption for the child, the social worker shall collaborate with the tribe in meeting the requirements set forth in Welfare and Institutions Code Section 366.24.

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The Indian child's tribe is the only entity that can elect Tribal Customary Adoption as the permanency option for the child. The tribe may express a preference for a different option. [Welfare and Institutions Code section 366.26(c)(1)(B)(vi)(II)]. No tribe is required to elect Tribal Customary Adoption.

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~~2-8.~~ (Continued)

(B) (Continued)

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~~1-~~ (Continued)

~~2-~~ (Continued)

HANDBOOK ENDS HERE

(C) (Continued)

.13 - .132 (Continued)

.133 Case management activities to be performed.

- (a) Parent(s)/guardian(s) shall be requested to participate in the development of the case plan. In the case of an Indian child, the child's extended family, tribe, or tribal advocate or Indian custodian, if the child has one, shall also be requested to participate in the development of the case plan.
- (b) (Continued)

Authority Cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code.

Reference: Sections 224.6, 358.1(e), and 361~~(as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 361.5, 361.7, 361.31, 366.23, 366.24, 366.26, 16501, 16501.1 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 16501.1(f), 16506, 16507, and 16508, Welfare and Institutions Code; Sections 8714.5 and 8714.7 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), Family Code; California Rules of Court, rule 5.690(c); and 25 USC 1912 and 1915.~~

Amend Section 31-205 to read:

31-205 ASSESSMENT DOCUMENTATION

31-205

.1 The social worker shall document the following assessment information:

~~(a).~~11 The relevant social, cultural, and physical factors relating to the following:

~~(1).~~111 The child.

~~(a)~~ In the case of an Indian child, the social worker shall include information about the prevailing social and cultural standards and way of life of the Indian child's tribe, including family organization and child-rearing practices.

~~(2).~~112 The child's parent(s)/guardian(s), Indian custodian(s) or person(s) serving in that role.

~~(3).~~113 (Continued)

~~(b).~~12 (Continued)

~~(e).~~13 Whether the child may safely remain at home if ~~preplacement~~ Pre-Placement preventive services are provided, and, if so, the specific services to be provided.

.131 In the case of an Indian child, the social worker shall document the Pre-Placement preventive services that comprise the Active Efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family as described in Section 31-135.23 that have been or will be provided.

~~(d).~~14 (Continued)

~~(e).~~15 (Continued)

~~(f).~~16 Any known social services previously offered and/or delivered to the child or family and the result of those services.

.161 In the case of an Indian child, documentation shall additionally include information about all known social services previously offered and/or delivered to the child or family including those provided as Active Efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, as required by Section 31-135.23, and the results of those efforts.

~~(g).~~17 If family reunification services are recommended, relatives or others who could provide or assist with legal permanency - adoption, guardianship, or preparation for independence - should family reunification fail.

.171 In the case of an Indian child, documentation shall additionally include information about relatives and extended family members, tribal representatives, other Indian social service agencies and individual Indian caregivers who can provide or assist with legal permanency should family reunification fail.

~~(h).~~18 (Continued)

~~(i).~~19 (Continued)

~~(j).~~20 (Continued)

~~(k).~~21 (Continued)

.2 - .22 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 224.6, 361, 361.31, 361.5, 361.5(g), 361.7, 366.21(e), (i) and (f), 366.24, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 11467.1, 16501, 16501(e), 16501.1(e)(9), and 16507, Welfare and Institutions Code; 42 U.S.C. Sections 675(1) and 677; and Sections 1502 and 1502(a)(8), Health and Safety Code; and 25 USC 1912 and 1915.

Amend Section 31-206 to read:

31-206 CASE PLAN DOCUMENTATION

31-206

.1 - .22 (Continued)

.221 The social worker shall include specific descriptions of the responsibilities of the social worker, other county staff, other individuals, and community agencies in the provision of services and the performance of case management activities.

(a) In the case of an Indian child, the social worker shall include a description of the specific services available and being provided to the child by the tribe, the Indian caregiver, other Indian service agencies or Indian organizations.

.222 For children in out-of-home care, the social worker shall document the two services tracks identified for children receiving family reunification services.

(a) The services to be provided to assist the parents(s), guardian, or Indian custodian in reunifying with the child as identified in the family reunification services track. In the case of an Indian child, the social worker shall also document Active Efforts to prevent the breakup of the Indian family as required by Section 31-135.23.

(b) The services to be provided and steps to be taken to implement the permanency alternative identified in the case plan if family reunification fails.

(1) In the case of an Indian child, the social worker shall document the services to be provided and the steps to be taken to implement the permanency alternative, including, in the case of an Indian child, Tribal Customary Adoption, identified in the case plan, if family reunification fails. Permanent placement may only occur if there is evidence beyond a reasonable doubt that is supported by the testimony of a qualified expert witness as required by Section 31-135.42 that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The social worker shall also document compliance with the standards required by ICWA as detailed in Section 31-201.121(c)(3)(A)2 through 7.

.23 - .241 (Continued)

.3 For children receiving out-of-home care, the social worker shall also document in the case plan, the following:

- .31 An assessment of the child's placement needs and a determination and description of the type of home or institution which will best meet those needs.

.311 In the case of an Indian child, the assessment shall include a description of the social worker's Active Efforts made to comply with the ICWA placement preference standards as further specified in Section 31-420.3 and if this did not occur document reasons why this did not occur.

(a) The assessment shall include all efforts made, or to be made, to find a placement within the order of preference required by ICWA, the position of the Indian child's tribe on the placement, and what facts, if any, provide good cause to deviate from the ICWA placement preferences. Deviation from the ICWA placement preference order may occur only with good cause as determined by the court.

~~.311~~.312 (Continued)

~~.312~~.313 - (a) (Continued)

~~.313~~.314 (Continued)

~~.314~~.315 (Continued)

~~.315~~.316 (Continued)

~~.316~~.317 (Continued)

~~.317~~.318 - (f) (Continued)

.32 - .522 (Continued)

Authority Cited: Sections 10553, 10554, and 16501.1, Welfare and Institutions Code; and Section 17552, Family Code; and Public Law 109-288.

Reference: Sections 224.6, 358.1(e), 361, 361(b), 361.31, 361.5, 361.5(g), 358.1(d), 361.7, 366.1(f), 366.21(e), (f) and (i), 366.22(e), 366.25(b), 706.5, 706.6, 727.3, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16002, 16501, 16501.1(e) and f, and 16507, Welfare and Institutions Code; 25 USC 1912(e); 42 U.S.C. Sections 675(1) and 677; Sections 7901, 7911, 7911.1, 7912, and 17552, Family Code; and Sections 1502 and 1502(a)(8), Health and Safety Code; and Public Law 109-288.

Amend Section 31-310 to read:

31-310 SOCIAL WORKER RESPONSIBILITIES FOR SERVICE DELIVERY 31-310

.1 - .12 (Continued)

- .13** When a child's family is being provided services in order to maintain the child in the home, take action as necessary to ensure that the child's protective needs continue to be met.

.131 In the case of an Indian child, the services to maintain the child in the home must be provided in accordance with the requirement to engage in Active Efforts to provide remedial and rehabilitative services to prevent the breakup of the Indian family as further specified in Section 31-135.23. This standard requires additional efforts on the part of the social worker to work with the child's family and tribe to identify and utilize tribally based resources that may be available to the family, such as tribal and other Indian social service agencies and organizations.

.14 - .161(d) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 224.6, 361.2, 361.31, 361.7, 10850, and 16501.1, Welfare and Institutions Code; ~~and~~ Section 19, Penal Code; ~~and~~ 25 USC 1912(d).

Amend Section 31-315 to read:

31-315 SERVICE-FUNDED ACTIVITIES

31-315

.1 Service-funded activities shall be available to children and their families in all phases of the Child Welfare Services program as specifically identified in the child's case plan.

.11 In the case of an Indian child, social workers shall seek and make available to Indian children and their families service-funded activities that reflect the unique values of the Indian culture and promote the stability and security of Indian children, Indian families and Indian communities. Sources of such services may be found in the Indian child's tribe, Tribal TANF programs, and other Indian organizations. ICWA requires documentation when Active Efforts to provide these services prove unsuccessful.

.2 - .4(j)(3) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501~~(a)(1) and (2)~~, and 16501~~(b)~~, Welfare and Institutions Code; and 25 USC 1912(a) and (d).

Amend 31-335 to read:

**31-335 SOCIAL WORKER CONTACTS WITH OTHER
SERVICE PROVIDERS**

31-335

- .1 The social worker shall have contact with other professionals working with the child, parents/guardians,Indian custodians and the out-of-home care provider including, but not limited to, the following:

.11 - .15 (Continued)

.16 Social Workers from other counties or states providing services-

.17 In the case of an Indian child, social workers must establish and maintain contact with representatives from the child's tribe, other Indian social service agencies, Indian agencies, Indian organizations or individual Indian service providers that assist Indian children and families.

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- ~~.2~~ The purpose of social worker contact with other professionals is to achieve the following objectives:

~~.21~~1. (Continued)

~~.22~~2. (Continued)

~~.23~~3. (Continued)

~~.24~~4. (Continued)

5. Document "Active Efforts" in cases involving Indian child(ren).

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- ~~.3~~2 The social worker shall request written reports from the professionals specified in Section 31-335.1, when their services are being provided to a child, parent/guardian/Indian custodian, or the out-of-home care provider as part of a case plan.

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Examples of other service providers that often work with an Indian child and family include: a tribal ICWA advocate, a tribal designated representative, a tribal spiritual leader, a Tribal TANF program, Indian Health Services, an Indian education program, or a non-tribal community agency.

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~~31.21~~ The social worker shall ensure that such reports are received and documented in the case record.

~~31.211~~ If the social worker is unable to obtain a written report, a verbal report shall be obtained and documented in the case record.

- (a) In addition, in the case of an Indian child, social workers shall document in the case record all reports, written or verbal, obtained from tribal representatives or service providers as specified in Section 31-335.17. It is critical to maintain a clear record of all Active Efforts being provided to the Indian child and his/her family as part of the case plan. See case record requirements in Section 31-075.3(e).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.3, 361.31, 361.7, 16501.1(f) (4), (5), and (6), Welfare and Institutions Code; and 25 USC 1912 and 1913.

Amend Section 31-405 to read:

31-405 SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT

31-405

.1 When arranging for a child's placement the social worker shall:

~~(a).~~11 (Continued)

~~(b).~~12 Give preferential consideration for placement of the child to an adult who is a grandparent, aunt, uncle or sibling of the child.

.121 In the case of an Indian child Active Efforts shall be made to comply with the ICWA placement preferences and standards as required by Section 31-420.3. The first preference shall be placement with a member of the child's extended family, as defined in Section 1903(2), of 25 U.S.C.

~~(1).~~122 (Continued)

~~(2).~~123 (Continued)

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The ICWA Section 1903(2) provides that an Indian child's "'extended family member" shall be as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent."

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~~(e).~~13 Consider relatives identified by the social worker as willing and appropriate to care for the child if no non-custodial parent or relative given preferential consideration is available.

.131 In the case of an Indian child, Active Efforts shall be made to comply with the ICWA placement preferences and standards as required by Section 31-420.3 for foster care placement and shall:

(a) Consider the placement preferences of the child's tribe.

(b) Consider the Tribally Specified Home when designated as the preference of the Indian child's tribe.

(c) If adoption of the child is being considered the social worker shall take into account the ICWA preferences for adoptive placement which, absent good cause to the contrary as determined by the court, are a placement with:

(1) A member of the child's extended family

(2) Other members of the Indian Tribe or

(3) Other Indian families.

(1).132 (Continued)

(2).133 (Continued)

(d).14 (Continued)

(1).141 (Continued)

(e).15 (Continued)

.16 When considering the placement of an Indian child in a Tribally Approved Home, the following requirements shall apply:

.161 The social worker must conduct the caregiver background checks on all adults (over age 18) living in the home or persons that may have significant contact with the child unless the tribe has an authorized Tribal Agency that conducts the caregiver background checks pursuant to Welfare and Institutions Code section 10553.12.

.162 If the tribe has a Tribal Agency that is approved to receive criminal and child abuse registry information from the California Department of Justice pursuant to Welfare and Institutions Code section 10553.12 the social worker shall secure documentation of the following:

(a) The Tribal Agency's certification that it has completed caregiver background checks, pursuant to the standards set forth in Sections 1522 and 1522.1 of the Health and Safety Code, with respect to any prospective foster parent, adoptive parent, or any adult who resides or is employed in the Tribally Approved Home.

(1) The certification must provide the address of the home, the names of the individuals in the household that have been cleared, the date of the completion of the clearance for each individual, and if any exemptions were granted.

(2) Documentation that the Tribal Agency has agreed to report, within 24 hours to the county social worker responsible for the child placed in the Tribally Approved Home, any notification to the Tribal Agency by the Department of Justice of a subsequent state or federal arrest or disposition notification involving an individual associated with the Tribally Approved Home.

(b) The social worker shall conduct the verifications required by Section 31-445.14.

.163 Should the social worker have any concerns about the safety of the home, the social worker must consult and collaborate with the tribe to address any concerns.

.164 The social worker must follow the ICWA placement preferences, which include the Tribally Approved or Tribally Specified Home designated by the child's tribe. Deviation from the preference order may occur only with good cause, as determined by the court. The social worker must provide the court with facts and supporting evidence that justify a request to deviate from the placement preferences and must ask the court for a finding that there is good cause to deviate from the ICWA placement preferences.

~~(F).~~17 (Continued)

~~(1).~~171 (Continued)

~~(A)~~ through ~~(F)~~ renumbered to (a) through (f) respectively (Continued)

~~(g).~~18 (Continued)

~~(1).~~181 (Continued)

~~(A)~~(a) (Continued)

~~(B)~~(b) (Continued)

~~(h) — Meet the requirements specified in Section 31-515 when placing an Indian child.~~

~~(i).~~19 (Continued)

~~(j).~~20 (Continued)

~~(k).~~21 (Continued)

~~(l).~~22 (Continued)

~~(m).~~23 (Continued)

~~(n).~~24 (Continued)

~~(l).~~241 (Continued)

~~(o).~~25 (Continued)

~~(p).~~26 (Continued)

~~(q).~~27 (Continued)

~~(r).~~28 (Continued)

~~(s).~~29 (Continued)

~~(t)~~ through ~~(5)~~ renumbered to .291 through .295 respectively (Continued)

~~(t).~~30 (Continued)

~~(t).~~301 (Continued)

(a) through (d) (Continued)

~~(u).~~31 (Continued)

~~(v).~~32 (Continued)

~~(w).~~33 Document the reason(s) for the following, when applicable:

~~(t).~~331 The child's transfer to another placement location.

(a) In the case of an Indian child, in addition to documenting the reasons for the transfer, also document the Active Efforts taken to make the transfer within the order of ICWA placement preferences as required by Section 31-420.3, which shall include making contact with the child's tribe to solicit assistance and support in identifying an appropriate placement for the child.

~~(2).~~332 (Continued)

~~(x).~~34 Develop a discharge plan for any child who:

~~(t).~~341 (Continued)

~~(2).~~342 Is leaving a group home placement to return to parent(s), ~~kin~~ guardian(s), or Indian custodian(s), relative(s) or extended family member(s) or an adoptive family or to a placement in a foster family home.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21.

Reference: Sections 224.6, 309, 319, 361.2, 361.3 (~~as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997~~), 361.31, 361.4, 361.7, ~~309(d)~~, ~~361.3~~, and 362.7 (~~as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001~~), 10553.12, 11467.1, and 16501, Welfare and Institutions Code; ~~and~~ Sections 1505 and 1530.8, Health and Safety Code; 25 USC 1915 and 1931; and 45 CFR 1355.20.

Amend Section 31-406

31-406 SOCIAL WORKER/PROBATION OFFICER RESPONSIBILITIES 31-406
FOR PLACEMENTS IN COMMUNITY TREATMENT FACILITY

.1 - .124(b)(4) (Continued)

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~~(e)~~ (Continued)

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.13 - .133 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

References: Sections 4094, 4094.5, 4094.6, 4094.7, 5585.58 and 5600.3, Welfare and
Institutions Code; Sections 1502 and ~~1502(a)(8)~~, Health and Safety Code; and
In re Roger S. (1977) 19 Cal. 3d 921.

Amend Section 31-410 to read:

31-410 TEMPORARY PLACEMENT

31-410

- .1 Temporary placement services shall consist of emergency shelter care and out-of-home respite care.
- .2 Temporary placement services shall be provided when the social worker has considered and/or used in-home services and has determined that the provision or continued provision of these services will not safely maintain the child in his/her own home.
- .3 For temporary placement services involving an Indian child, the social worker shall to the extent possible, collaborate with the child's tribe in an attempt to prevent the removal of the child and to solicit tribal assistance and support in the placement of the child.
 - .31 When selecting a temporary placement for an Indian child, the social worker shall, engage in Active Efforts to place the child in compliance with the ICWA placement preference order required in Section 31-420.3.
 - ~~.3.4~~ (Continued)
 - ~~.4.5~~ (Continued)
 - ~~.41.51~~ (Continued)
 - ~~.42.52~~ (Continued)
 - ~~.421.521~~ (Continued)
 - ~~.43.53~~ (Continued)
 - ~~.431.531~~ (Continued)
 - ~~.432.532~~ (Continued)
 - ~~.5.6~~ (Continued)
 - .51.61 The assessment shall include, but is not limited to, all of the following:
 - .511.611 An in-home inspection to assess the safety of the home as required in Welfare and Institutions Code Section 309(d), except in the case of an Indian child whose tribe has recommended a home they have approved according to their tribal standards, pursuant to 25 U.S.C. 1915(b).

.612 Where an Indian child is being placed in a Tribally Approved Home, the tribe's home assessment is considered as equivalent to state licensing standards applicable to foster family homes and shall be consistent with Section 31-405.16.

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~~(a)~~ (Continued)

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~~.512~~ .613 (Continued)

~~.513~~ .614 (Continued)

HANDBOOK BEGINS HERE

~~(a)~~ (Continued)

HANDBOOK ENDS HERE

~~.514~~ .615 (Continued)

HANDBOOK BEGINS HERE

~~(a)~~ (Continued)

~~(b)~~ (Continued)

HANDBOOK ~~CONTINUES~~ ENDS HERE

~~.515~~ .616 (Continued)

(a) through (d) (Continued)

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~~.52~~ (Continued)

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~~.6.7~~ (Continued)

~~.61~~ through ~~.66~~ renumbered to .71 through .76 respectively (Continued)

- .8 In addition to those needs specified in Section 31-410.7, the temporary placement of an Indian child shall require Active Efforts to comply with the ICWA placement preference requirements as specified in Section 31-420.3 and shall also be based on the following:
- .81 The least restrictive setting which most approximates a family-like environment and in which the child's special needs, if any, can be met.
- .82 The reasonable proximity to the child's home, taking into account any special needs of the child.
- .83 The prevailing social and cultural standards of the Indian child's tribe and community in which the parent or extended family members reside or maintain social and cultural ties.

Authority Cited: Sections 10553 and 10554, 16507.5, Welfare and Institutions Code and Assembly Bill 1695, Section 21 (Chapter 653, Statutes of 2001).

Reference: Sections ~~309 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 319 (as amended by Senate Bill 2232, Chapter 1530, Statutes of 1990), 319(d) (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 309, 309(d), 319, 319(f), 361.2(b), 361.2(g), 361.2(h), 361.2(e)(7), 361.31, 361.7, 362.7, 366, 727, 11402, 11467.1, 16501.1, and 16507.5(b) (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), 361.2(b) and (g), 366(e), 11467.1, and 16501.1(e)~~, Welfare and Institutions Code; Sections 1505 and 1530.8, Health and Safety Code; Sections 11170(b)(10)(A) and 11170(e), Penal Code; 25 USC 1901 et seq. and 42 U.S.C. Section 675(1)(A); and *Gomez v. Saenz* Settlement Agreement and Court Order, Case No: BC284896.

Amend Section 31-420 to read:

31-420 FOSTER CARE PLACEMENT

31-420

- .1 The foster care placement shall be based on the following needs of the child including, but not limited to:

.11 - .12 (Continued)

.13 In the case of an Indian child, the child's tribal affiliation and the cultural and traditional practices of the tribe shall be considered.

~~.13~~ through ~~.18~~ renumbered to .14 through .19 respectively (Continued)

- .2 When selecting a foster care placement for the child, the social worker shall adhere to the following priority order:

.21 The home of a relative, including the non-custodial parent, in which the child can be safely placed as assessed according, but not limited to, the requirements specified in Welfare and Institutions Code Section 361.3.

.211 Preferential consideration for placement of the child shall be given to a non-custodial parent, then an adult who is a grandparent, aunt, uncle or sibling of the child, except that if the child is an Indian child and the non-custodial parent is not available or appropriate for placement of the child, then the placement requirements of Section 31-420.3 shall apply.

(a) (Continued)

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~~.212~~ A copy of the written assessment made pursuant to Welfare and Institutions Code Section 361.3 may be made available to the appropriate adoption agency in the event that the relative(s) considered agree to become a permanency planning family, so that an abbreviated adoption assessment may be made if adoption becomes the permanency alternative implemented for the child. See Section 31-410.513(a) and Sections 31-410.514(a) and (b) Handbook Sections 31-410.614 and .615.

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~~.213~~.212 (Continued)

.22 - .232 (Continued)

.232 ~~(1)~~ and ~~(2)~~ renumbered to (a) and (b) respectively (Continued)

~~25.24~~ (Continued)

~~251.241~~ (Continued)

(a) - (b)(2) (Continued)

.3 When selecting a foster care placement for an Indian child the social worker shall engage in Active Efforts to adhere to the following ICWA placement preference requirements:

.31 The prevailing social and cultural standards of the Indian community in which the parent or extended family members reside or maintain social and cultural ties, or the prevailing social and cultural standards of the Indian child's tribe shall be applied.

.311 A determination of the applicable prevailing social and cultural standards may be confirmed by the Indian child's tribe or by the testimony or other documented support of a qualified expert witness who is knowledgeable regarding the social and cultural standards of the Indian child's tribe.

.32 The services of the Indian child's tribe shall be used, when available, in seeking to secure a placement that meets their placement preference order.

.33 The social worker shall select the least restrictive placement that most approximates a family-like environment and in which the child's special needs, if any, may be met. The placement shall be within reasonable proximity to the child's home, taking into account any special needs of the child.

.331 Preference shall be given to the child's placement with one of the following, in descending order:

(a) A member of the Indian child's extended family, which shall be defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.

(b) A Tribally Approved Home or a Tribally Specified Home as so designated by the Indian child's tribe.

(c) An Indian foster home licensed or approved by an authorized non-Indian licensing authority (a state licensed home; a home certified by a licensed foster family agency).

(d) An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

- .332 A tribe may establish a different preference order, which must be followed so long as the placement is in the least restrictive setting appropriate to the particular needs of the child.
- .333 Deviation from the preference order may occur only with good cause, as determined by the court, which may include but not necessarily be limited to the following:
- (a) The request of the parent or Indian custodian;
 - (b) The request of the Indian child, when of sufficient age;
 - (c) The extraordinary physical or emotional needs of the Indian child as established by a qualified expert witness; or
 - (d) The unavailability of suitable families based on documented Active Efforts to identify families meeting the preference criteria.
- .334 The social worker must provide the court with facts and supporting evidence that justify the request to deviate from the placement preferences and must ask the court for a finding that there is good cause to deviate from the ICWA placement preferences.
- .34 When no preferred placement is available, Active Efforts shall be made and documented to place the child with a family committed to enabling the child to have extended family visitation and participation in the cultural and ceremonial events of the child's tribe.
- .35 A record of each placement shall be maintained in perpetuity, including the Active Efforts made to comply with the placement preference order, and the placement history shall be available to the Secretary of the Interior and/or the child's Indian tribe, upon request to the county.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21 (Chapter 653, Statutes of 2001).

Reference: Sections 309, 319, 361.2(b), 361.2(e)(2) and (3), 361.2, 361.3, (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 309(d), 319(f), 361.2(h), 727, 11402, and 16507.5(b) (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), 361.31, 361.7, 366(e), 727, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16501.1(b) and (e), 11402, 11467.1, 16501.1, and 16507.5(b), Welfare and Institutions Code; Sections 1502, 1502(a)(8), and 1530.8, Health and Safety Code; Section 275, Civil Code; 25 USC 1915; 42 U.S.C. Section 671(1)(A); and Public Law 105-89 (Adoption and Safe Families Act of 1997).

Amend Section 31-425 to read:

31-425 PERMANENT PLACEMENT

31-425

- .1 The permanent placement shall be based on the following needs of the child including, but not limited to:
 - .11 (Continued)
 - .12 The child's age, sex, tribal affiliation and cultural background, including racial or ethnic and religious identification.
 - .13 Capability of a relative, Indian custodian, the out-of-home care provider(s), adoptive parent(s), or guardian(s) to meet the specific needs of the child.
 - .131 (Continued)
 - .132 (Continued)

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- ~~.133~~ See Handbook Sections 31-410.513(a), .514(a) and (b), and ~~.52~~ .614, .615, and .616(d).

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- ~~.133~~ In the case of an Indian child, capacity to encourage and protect the child's retention of connections to its tribe.
- .14 - .16 (Continued)
- .2 When selecting a permanent placement for the Indian child, the social worker shall adhere to the priority order specified in Sections 31-201.121(c)(23)(A)2 through (C)7.
 - .21 When selecting a permanent placement for an Indian child that may involve the adoption of the child or termination of parental rights, the social worker shall adhere to the adoptive placement preference standards specified in Sections 31-201.121(c)(3)(A)2 through 7.
 - .22 When the permanent placement of an Indian child may involve a foster care or guardianship placement the social worker shall adhere to the placement preference standards specified in Section 31-420.3.

- .23 When selecting a permanent placement of the Indian child, the social worker shall consider and consult with the child's tribe regarding Tribal Customary Adoption.

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The Indian child's tribe is the only entity that can elect Tribal Customary Adoption as the permanency option for the child. The tribe may express a preference for a different option. (WIC section 366.26(c)(1)(B)(VI)). No tribe is required to elect Tribal Customary Adoption.

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.3 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 224, 360, 361.2, and 361.3 (~~as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997~~), ~~361.5(g)(2), 361.31, 366.21(i)(2), 366.22(e)(2), 366.24, 366.25(b)(2), 366.26, 366.27~~ (~~as amended by AB 2129, Chapter 1089, Statutes of 1993~~), ~~11364(a) and (e), 11376, 11387(a) and (e), 16501 and 16501.1, Welfare and Institutions Code; and Section 275, Civil Code; and 25 USC 1915.~~

Amend Section 31-430 to read:

**31-430 ADDITIONAL REQUIREMENTS FOR VOLUNTARY
PLACEMENTS**

31-430

- .1 (Continued)
- .2 Voluntary placement of a nondependent child shall occur only when there is a written voluntary placement agreement between the county and the parent(s)/guardian(s)/Indian custodian(s) pursuant to the provisions of Sections 16507.2, 16507.3, and 16507.4(b), Welfare and Institutions Code.
 - .21 If the voluntary placement is of an Indian child, the consent to the placement shall be the written consent of a parent or Indian custodian and comply with the following:
 - .211 The consent must be recorded no less than ten days after the birth of the child, in the presence of the judge of the Superior Court on SOC form 155C;
 - .212 The judge must certify that the terms and consequences of the consent were fully explained in detail and that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language the person understood; and
 - .213 The parent or Indian custodian is informed that consent may be withdrawn for any reason at which time the child must be returned to the parent or Indian custodian.
 - .214 If the child is or may be an Indian child, ICWA notice shall be conducted as set forth in Section 31-125.7.
 - .22 In the situation where the placement may no longer be voluntary, in that there is a determination the child will not be returned to the parent(s)/guardian(s)/Indian custodian(s), the social worker must comply with the requirement to engage in Active Efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and to comply with the ICWA placement preferences.
- .3 The social worker shall:
 - .31 (Continued)
 - .32 Provide a written statement informing the parent(s)/guardian(s)/Indian custodian(s) that he/she may be responsible for a share of the family reunification services costs.

.33 Assist the parent(s)/guardian(s)/Indian custodian(s) of voluntarily placed children to understand that he/she still retains legal custody of the child even though he/she voluntarily places the child with the agency; and that he/she may limit, by written agreement, the scope of the foster parent's authority to give parental consent.

.34 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 224.3, 16507.2, 16507.3, and 16507.4, Welfare and Institutions Code; Sections 8606.5 and 8620, Family Code; 25 USC 1903 et. seq.; and California Rules of Court, rule 5.481.

Amend Section 31-445 to read:

31-445 REQUIREMENTS FOR APPROVAL OF RELATIVE AND 31-445
NONRELATIVE EXTENDED FAMILY FOSTER FAMILY HOMES

- .1 Prior to the placement of a child in a relative or nonrelative extended family member home, the child welfare agency shall assess the home and the caregiver to the approval standards by completing the following requirements:

.11 (Continued)

- .12 An in-home evaluation of the home to verify that the home meets the health and safety standards set out in Title 22, Division 6, Chapter 9.5, Article 3 of the California Code of Regulations and has no safety defects that could pose a hazard to the child; except in the case of an Indian child being placed in a Tribally Specified or Approved Home, the home shall be evaluated as specified in Section 31-405.16.

.13 (Continued)

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~~.131~~ (Continued)

~~.132~~ (Continued)

~~.133~~ (Continued)

HANDBOOK ENDS HERE

.14 - .142 (Continued)

- .2 Prior to the issuance of an approval document the agency must ensure the caregiver and home meet all the standards in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, Caregiver Standards; except that in the case of an Indian child being placed in a Tribally Approved Home, the home shall be evaluated as specified in Section 31-405.16.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Assembly Bill 1695, Section 21 (Chapter 653, Statutes of 2001).

Reference: Sections 309, 319, 361.2, 361.3, 361.31, 361.4, 361.5, 362.7, 366, 366.1, 727, 11400, 11401, 11402, 11461, 16504.5, 16507.5, 16507.5(b), and 16518, Welfare and Institutions Code; Section 11105.2, Penal Code; ~~and~~ Sections 1505, 1521.5, 1521.6, 1522, and 1525.5, Health and Safety Code; and 25 USC 1915 and 1931.

Amend Section 31-510 to read:

**31-510 INTERSTATE COMPACT ON THE PLACEMENT OF
CHILDREN (ICPC)**

31-510

.1 - .134 (Continued)

.2 The ICPC shall not be applicable ~~when a potential foster family makes a routine inquiry or application to an agency in a member state other than the state of the family residence.~~
between member states under the following circumstances:

.21 When a potential foster family makes a routine inquiry or application to an agency in a member state other than the state of the family residence.

~~.21.211~~ (Continued)

.22 The ICPC shall not be applicable to any placement (sending or receiving) of an Indian child if the placement is made:

.221 between an Indian tribe and another Indian tribe; or

.222 between a county compact member and a Tribal court that is assuming jurisdiction of the Indian child's case.

.3 - .91 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 7900, 7901, 7906, 7907.3, 7911, 7911.1 and 7912, Family Code; and Sections 361.2(e), ~~361.2(d)~~, 361.21, 727.1, 16501.1~~(f)(4)~~, and 16516.5, Welfare and Institutions Code; and Association of Administrators of the Interstate Compact on the Placement of Children Regulation No. 11.

Repeal Section 31-515, in its entirety

~~31-515 INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS 31-515~~

~~.1 When a dependency petition is initiated by the social worker on behalf of a child who is or may be an Indian child the social worker shall:~~

~~.11 Identify in the petition that the child is or may be an Indian child as defined by the ICWA.~~

~~.111 To make such a determination, the social worker shall ask the child, his parent or custodian whether the child is or may be a member of an Indian tribe, or whether the child identifies himself/herself as a member of a particular Indian organization.~~

~~(a) When there is any oral or written information which indicates that the child is or may be an Indian child, the social worker shall:~~

~~(1) Obtain the name, address, date of birth, and tribal affiliation of birth parents, grandparents, and great grandparents.~~

~~(2) Obtain the name and address of tribal governing organizations.~~

~~(3) Complete Request for Confirmation of Child's Status as an Indian (SOC 318).~~

~~(4) Obtain a copy or photocopy of the child's state certified birth certificate.~~

~~(5) Send completed Request for Confirmation of Child's Status (SOC 318) and the birth certificate to the Bureau of Indian Affairs (BIA), Attention Tribal Operations for a determination as to whether or not the child is an Indian as defined by the ICWA.~~

~~.112 If a determination is made that a child is or may be an Indian child as defined by the ICWA after the initial petition is filed with the court, the county shall file an amended petition notifying the court of this determination.~~

~~.12 Give notice to the Indian child's parent(s) or Indian custodian(s) and the child's tribe(s), by registered mail with return receipt requested, of the pending proceedings and their right to intervene at any point in the proceedings. This notice shall be sent on Form SOC 319 "Notice of Hearing" and must be received by the Indian child's parent(s) or custodian and tribe no later than 10 days prior to the hearing date.~~

~~.121 When the identity or location of the parent(s), Indian custodian(s), or tribe cannot be determined, notice shall be given to the Secretary of the Interior (Secretary) by registered mail, return receipt requested.~~

~~(a) Notice to the Secretary shall be mailed to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California, 95825.~~

~~(b) The notice shall include the following information if known:~~

~~(1) Indian child's name, birthdate, and birthplace.~~

~~(2) Indian child's affiliation.~~

~~(3) Name, birthdate, birthplace and mother's maiden name of the Indian child's parent(s) or Indian custodian(s).~~

~~(4) A copy of the petition, complaint, or other document by which the proceeding was initiated.~~

~~.122 The Secretary will have 15 days from receipt of notice to provide the required notice in Section 31-515.12 to the parent(s), Indian custodian and tribe.~~

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~~.123 A tribe, parent or Indian custodian entitled to notice of the pending of a child custody proceeding has a right, upon request to the court, to be granted an additional 20 days from the date upon which notice was received to prepare for participation in the proceeding.~~

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~~.13 Document efforts made to provide services and rehabilitative programs designed to prevent the breakup of the Indian family, and that such efforts were unsuccessful.~~

~~.131 It shall not be necessary to show such efforts have been made in emergency situations prior to temporary removal from the home where it is determined that, even with reasonable services being provided, such removal is essential to protect the child from serious physical or emotional damage.~~

~~(a) Efforts to provide services shall be made subsequent to such emergency removal.~~

- ~~.132 Where an emergency situation exists and it has been determined that an Indian child must be temporarily removed from the home, the worker shall make efforts to place the child in an Indian home, and shall notify the appropriate Indian tribal entity of the removal in order to solicit tribal assistance and support in the placement of the child.~~
- ~~.14 Present to the court clear and convincing evidence, by qualified expert witnesses in addition to testimony of county staff involved in the dependency action, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Where the county provides the expert witness, the witness shall be:~~
- ~~.141 A person other than the social worker who initiated the dependency action and:~~
- ~~(a) A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices; or~~
 - ~~(b) A lay expert witness who has substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or~~
 - ~~(c) If a person described in Section 31 515.141(a) or (b) is not available a professional person who has substantial education and experience in the area of his or her specialty.~~
- ~~.2 If at the time of the dependency court appearance, no determination has been made regarding the child's status as an Indian child, as defined by the ICWA, the social worker shall:~~
- ~~.21 Advise the court of all information which indicates that the child may be an Indian child.~~
- ~~.22 Advise the court of all efforts made to establish the child's status as an Indian child.~~
- ~~.23 Request direction from the court on how to proceed with the dependency action.~~
- ~~.24 Continue contacts with the BIA until the question of the child's status as an Indian child, as defined by the ICWA, has been resolved and the resolution is documented in the case record for future reference.~~

~~.3 The provisions of Section 31-515 et seq. shall be met when a petition for continued detention is filed by the social worker on behalf of an Indian child.~~

~~Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.~~

~~Reference: 25 USCA Section 1901 et. seq.~~

Repeal Section 31-520, in its entirety

~~31-520 PLACEMENT OF INDIAN CHILDREN~~

~~31-520~~

~~.1 In addition to the placement requirements specified in Chapter 31-400, the following requirements shall also apply when placing Indian children:~~

~~.11 The standards to be applied in Indian child placements shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family member maintains social and cultural ties.~~

~~.12 In any placement of an Indian child, the agency shall select the least restrictive placement which most approximates a family.~~

~~.121 Unless there is good cause to the contrary or the child's tribe establishes a different order of preference by resolution, the order of placement preference shall be as follows:~~

~~(a) A member of the Indian child's extended family.~~

~~(b) A foster home approved, specified or licensed by the Indian child's tribe.~~

~~(c) An Indian foster home licensed or approved by an authorized non-Indian licensing authority.~~

~~(d) An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.~~

~~.13 The order of placement preference specified in Sections 31-520.121(a) through (d) shall not override current state licensing regulations.~~

~~.14 Licensure by an Indian child's tribe shall not constitute licensure by the state, nor shall licensure by the state constitute licensure by the Indian child's tribe.~~

~~.2 When an Indian child's parent(s) or Indian custodian voluntarily consents to a foster care placement, the following requirement shall be met:~~

~~.21 The authorized agency official and the Indian child's parent(s) or Indian custodian shall appear together before a judge of the Superior Court to sign the consent Form SOC 155-C.~~

- ~~.211 If a parent wishes to make a voluntary foster care placement of a newborn through a licensed adoption agency, and is considering relinquishment of the newborn to the agency, the appearance before the judge shall not be required unless the foster care placement continues for more than 30 calendar days because the relinquishment is not taken within such time period.~~
- ~~.22 In the presence of the judge and before the consent can be signed, the agency official shall explain the terms and consequences of the consent in detail to the Indian child's parent(s) or Indian custodian in a language understood by the parent(s) or Indian custodian.~~
- ~~.23 For the consent to be valid, it shall be necessary for the judge to certify in writing that the terms and consequences of the consent were fully explained in detail and fully understood, including that:~~
- ~~.231 The consent may be withdrawn and the child returned to the parent(s) at any time.~~
- ~~.232 The placement of the child will be in accordance with the order of placement preference specified in Sections 31-520.121(a) through (d).~~
- ~~(a) When a consenting parent evidences a desire for anonymity, the agency shall inform the court of the desire and shall request direction from the court in applying the preferences.~~
- ~~.233 The return of the child shall be within an agreed-upon time period, ordinarily not to exceed three working days. In no case shall the return of the child require more than seven calendar days following the parent's request.~~
- ~~.24 Any consent given prior to or within ten working days of the birth of the Indian child shall not be valid.~~
- ~~.241 During such time period, the child shall be provided with necessary child protective services.~~
- ~~.3 Requirements regarding case records shall include the following:~~
- ~~.31 All Indian child placements shall be clearly documented on the placement history Form SOC 153.~~
- ~~.32 Efforts to comply with the placement preference order specified in Sections 31-520.121(a) through (d) shall be documented, and any deviations to the order shall be fully explained.~~

~~.33 The placement history shall be available to the Secretary of the Interior and/or the child's Indian tribe, upon request to the county.~~

~~Authority Cited Sections 10553 and 10554, Welfare and Institutions Code.~~

~~Reference: 25 USCA Section 1901 et seq.~~

FORMS

ADOPT

ICWA-010(A)

CHILD'S NAME: 	CASE NUMBER:
-----------------------	----------------------

1. Name of child:
 Indian child inquiry ☐ made ☐ not made and (check all that apply):
- a. ☐ The child is or may be a member of or eligible for membership in a tribe.
 Name of tribe(s): _____
 Name of band (if applicable): _____
 - b. ☐ The child's parents, grandparents, or great-grandparents are or were members of a tribe.
 Name of tribe(s): _____
 Name of band (if applicable): _____
 - c. ☐ The residence or domicile of the child, child's parents, or Indian custodian is in a predominantly Indian community.
 - d. ☐ The child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service or Tribal Temporary Assistance to Needy Families (TANF).
 - e. ☐ The child may have Indian ancestry.
 - f. ☐ The child has no known Indian ancestry.
 - g. ☐ Other reason to know the child may be an Indian child: _____

Person(s) questioned:
 Name: _____
 Address: _____
 City, state, zip: _____
 Telephone: _____
 Date questioned: _____
 Means of communication: _____
 Relationship to child: _____
 Summary of information: _____

Person(s) questioned:
 Name: _____
 Address: _____
 City, state, zip: _____
 Telephone: _____
 Date questioned: _____
 Means of communication: _____
 Relationship to child: _____
 Summary of information: _____

- h. ☐ Information about other persons questioned is attached.

2. If this is a delinquency proceeding under Welfare and Institutions Code, § 601 or 602:

- ☐ The child is in foster care.
- ☐ It is probable the child will be entering foster care.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME)

▶

 (SIGNATURE)

**ELIGIBILITY CERTIFICATION
ADOPTION ASSISTANCE PROGRAM****DISTRIBUTION:***Original : County Welfare Department**Copy : Agency File*

CHILD'S ADOPTIVE NAME	
CHILD'S DATE OF BIRTH	
STATE ADOPTION CASE NO. ADA	ADOPTION AGENCY CASE NO.
AAP CASE NO.	

To be AAP eligible a child must be under the age of 18 or is a Non-Minor Dependent (NMD) under the age of 21.

If the child is under the age 18 they must meet the criteria stated in Section I, Section II and Section III or Section IV.

Date the child will become age 18: _____

If the NMD is under the age of 21 they must meet the criteria stated in Section I, Section II and Section III.

Date NMD will become age 21: _____

I. THREE PART SPECIAL NEEDS DETERMINATION

Verification of the information is documented in the child's case records. The above-named child meets all of the following three requirements:

1. ☐ The child cannot or should not be returned to the home of his or her parents due to a petition to terminate parental rights, a court order terminating parental rights, a signed relinquishment or the court has given full faith and credit to a tribal customary adoption order.

- ☐ The court has dismissed the dependency or transitional jurisdiction subsequent to the approval of the NMD adoption petition per Welfare and Institutions Code Section 366.31(f).

2. Adoptive placement without financial assistance is unlikely due to one of the following:

- ☐ Membership in a sibling group that should remain intact.

- ☐ Race, ethnicity, color or language. Specify: _____

- ☐ Age of three years or older (Date child became three: ____ / ____ / ____)

- ☐ Parental background of a medical or behavioral nature that can be determined to adversely affect the development of the child. Specify: _____

- ☐ The child's mental, physical, emotional, medical or developmental disability that has been certified by a licensed professional competent to make an assessment and operating within the scope of his or her profession. A copy of this certification is in the adoption agency AAP case record.

Disability: _____

Professional certifying disability and date certified: _____

3. An effort was made to place the child for adoption with appropriate parents without providing AAP benefits. One of the following statements must be met:

- ☐ The need for adoption subsidy is evidenced by an unsuccessful search for an adoptive home to take the child without financial assistance.

Search efforts included: _____

- ☐ The search requirement was waived as remaining in this home is in the child's best interest because the child is being adopted by a relative or there is the existence of significant emotional ties with the prospective adoptive parents while in their care as a foster child

Date child began living with the relative or prospective adoptive parents: _____

II. CITIZENSHIP

Verification of the following information is documented in the child's case records. The above-named child meets **one** of the following citizenship requirements:

- ☐ The child is a citizen of the United States or a qualified alien.
- ☐ The child entered the United States on or after August 22, 1996, is placed with an unqualified alien and meets the five year residency requirements.
- ☐ The child is a member of one of the exempted groups (refugees, asylees, aliens whose deportation was withheld, Cuban/Haitian or Amerasians from Vietnam.)

III. TITLE IV-E (federal) ELIGIBILITY INFORMATION

To be Title IV-E eligible Section A or B must be completed. Verification of the following information is documented in the child's case records.

A. The above-named child meets **one** of the following three definitions of an "applicable child."

- ☐ The child's age is _____ in Federal Fiscal Year _____.
- ☐ The child has been in foster care under the care of a Title IV-E agency for 60 consecutive months.
- ☐ The child's sibling is an "applicable child" and is placed in the same prospective adoptive home of his or her sibling.

AND

One of the following four Title IV-E eligibility requirements:

- ☐ 1. The child is in the care of a public or private child placement agency or Indian tribal organization and is the subject of either one of the following:
 - ☐ a. An involuntary removal from the home in accordance with a judicial determination that continuation in the home would be contrary to the welfare of the child;
 - ☐ b. A voluntary placement agreement or voluntary relinquishment. Note: A Title IV-E FC maintenance payment or judicial determination is **not** required for an "Applicable Child".
- ☐ 2. The child has met all medical or disability eligibility requirements for federal Supplemental Security Income (SSI) benefits.
- ☐ 3. The child was residing in a foster family home or child care institution with the child's minor parent.
- ☐ 4. The child received AAP with respect to a prior adoption that dissolved due to the termination of the adoptive parental rights or the death of an adoptive parent.

B. The above-named child meets **one** of the following Title IV-E requirements:

- ☐ 1. Prior to the finalization of an Agency adoption as defined in Section 8506 of the Family Code, or an Independent adoption, as defined in Section 8524 of the Family Code is filed, the child meets the eligibility requirements for Supplemental Security Income (SSI) benefits as determined and documented by the Federal Social Security Administration (SSA.)
- ☐ 2. At the time the child was removed from the home of the specified relative, the child met the AFDC eligibility requirements in the home of removal.
 - ☐ a. The child's removal from the home was based on judicial determination in the first court ruling that to remain in the home would be contrary to the child's welfare.
 - ☐ b. The child was voluntarily relinquished to a licensed public or private adoption agency, or another public agency operating a Title IV-E program on behalf of the state. The following must be obtained within six months of the time the child lived with a specified relative:
 - 1. A petition to the court to remove the child from the home of the specified relative.
 - 2. Judicial determination that remaining in the home would be contrary to the child's welfare.
 - ☐ c. Child is voluntarily placed and has received at least one Title IV-E FC payment.
- ☐ 3. At least one Title IV-E FC payment was made on behalf of the child's minor parent.
- ☐ 4. The child meets the special needs criteria and received AAP benefits with respect to a prior adoption that dissolved due to the termination of the adoptive parent's parental rights or the death of an adoptive parent.
- ☐ 5. The child is an Indian child and the subject of a tribal customary adoption order.

IV. STATE ELIGIBILITY INFORMATION

Verification of the following information is documented in the child's case records. The above-named child does not meet the Title IV-E eligibility requirements but does meet the following State funding eligibility requirements:

- ☐ The child is the subject of an Agency adoption as defined in Section 8506 of the Family Code, and
- ☐ At the time of adoptive placement, the child met **one** of the following requirements:
- ☐ a. Under the supervision of a county welfare department as the subject of a legal guardianship or juvenile court dependency;
 - ☐ b. Relinquished for adoption to a licensed California private or public adoption agency, or the Department, and would otherwise have been at risk of dependency as certified by the responsible public child welfare agency;
County providing certification: _____ Date of certification: _____ or
 - ☐ c. Committed to the California Department of Social Services pursuant to Section 8805 or 8918 of the Family Code.

☐ I certify that this child is eligible for the Adoption Assistance Program

☐ I certify that this child is not eligible for the Adoption Assistance Program

SIGNATURE OF AUTHORIZED OFFICIAL OF THE RESPONSIBLE PUBLIC AGENCY

ADOPTION AGENCY NAME

DATE

ADOPTION AGENCY ADDRESS

SIGNATURE OF AUTHORIZED OFFICIAL COUNTY WELFARE DEPARTMENT

COUNTY NAME

ADOPTION AGENCY TELEPHONE NUMBER

DATE

COUNTY ELIGIBILITY WORKER USE ONLY

☐ Eligible for Title IV-E (FFP)
Items I, II and III

☐ Eligible for State only funding
Items I, II, and IV checked

☐ Not eligible for FFP
or State only funding

STATEMENT OF FACTS SUPPORTING ELIGIBILITY FOR AFDC-FOSTER CARE(FC)

INSTRUCTIONS: Complete in ink all questions to the left of the heavy black line. The parent/legal guardian completes the non-shaded sections of this form instead of the BCJA 2 or SAWS 2 at redetermination only; the placement worker/county welfare department is to complete the shaded portions. The placement worker/county welfare department may complete all sections of this form instead of the BCJA 2 or SAWS 2 at application and redetermination when the parent/legal guardian is:

☐ Not available ☐ Not cooperating ☐ Deceased ☐ Incapacitated

1. Child Name	2. <input type="checkbox"/> Male <input type="checkbox"/> Female
3. Address	
4. Birth date	5. Birthplace
6. Social Security #	Applied For? <input type="checkbox"/> Yes <input type="checkbox"/> No
7. Citizen of U.S.? <input type="checkbox"/> Yes <input type="checkbox"/> No	8. Alien Status:
9. Does the child have medical insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No	

If yes, list policy number, company name, and name of policy:

10. Does the child have real or personal property?	<input type="checkbox"/> Yes <input type="checkbox"/> No
---	--

If yes, list property type (land, cash, auto, motorcycle, life insurance, trust fund, bank account, bond, etc.) and its value:

11. Does the child have income? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown*	If yes, list amounts below. If application pending, check associated box.
---	---

Income Type	Amount	Pending
Social Security		<input type="checkbox"/>
Child Support		<input type="checkbox"/>
Railroad Retirement		<input type="checkbox"/>
SSI/SSP		<input type="checkbox"/>
Veteran's Benefits		<input type="checkbox"/>
Salary/Wages		<input type="checkbox"/>
Other (specify)		<input type="checkbox"/>
Total Amount/Month		<input type="checkbox"/>

* If unknown, please explain:

12. Name of School or Training Program:
--

TO BE COMPLETED BY PLACEMENT WORKER/COUNTY WELFARE DEPARTMENT STAFF

13. If child has salary/wages, is the child attending school at least half-time?	<input type="checkbox"/> Yes <input type="checkbox"/> No
14. Does the child have an Independent Living Program Plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No

COMPLETE BELOW FOR CHILDREN 17 AND OLDER

15. Does the child attend school on a full-time basis?	<input type="checkbox"/> Yes <input type="checkbox"/> No
16. Expected graduation/completion before 19th birthday?	<input type="checkbox"/> Yes <input type="checkbox"/> No

ELIGIBILITY WORKER ONLY**DATE:**
☐ APPLICATION
☒ **REDETERMINATION**

CASE NAME

CASE NUMBER

VERIFICATION

AGE

SOCIAL SECURITY NUMBER

CITIZENSHIP/ALIEN STATUS

DHS 6155 ☐

CHILD'S PROPERTY

CHILD'S INCOME/PENDING INCOME

ILP

VERIFIED BY SCHOOL YES

SCHOOL ATTENDANCE ☐GRADUATION ☐

(17) PARENTAL INFORMATION				VERIFICATION
	Parent 1	Parent 2	Parent 3	
Name				CHILD SUPPORT REFERRAL
Relationship				
Maiden Name				
Date of Birth				
Birthplace				
Social Security #				
Address				
Telephone #				
U.S. Citizen (yes or no)				
Veteran (Branch, Years in Service, Serial #)				
(18) DEPRIVATION -- INITIAL AND REDETERMINATION				DEPRIVATION
A. Is either the mother or father deceased? <input type="checkbox"/> yes, fill-in A1 and skip to #19. Deprivation exists, pending verification. <input type="checkbox"/> no, PROCEED to B. A1. Deceased parent(s)' name: _____ <input type="checkbox"/> Location of death: _____ <input type="checkbox"/> Date of death: _____				
B. Did the mother and/or the father relinquish the child or have either parents' parental rights been terminated(TPR)? <input type="checkbox"/> yes, fill-in B1 and skip to #19. Deprivation exists, pending verification. <input type="checkbox"/> no, PROCEED to C. B1. Relinquishing/TPR parent (s): _____ Date of Relinquishment(s) TPR(S): _____				
C. Are the mother and father living together? <input type="checkbox"/> no, skip to #19. Deprivation exists, pending verification <input type="checkbox"/> yes, PROCEED to D.				
D. Is either the mother or father physically or mentally incapacitated? <input type="checkbox"/> yes, skip to #19. Deprivation exists, pending verification. <input type="checkbox"/> no, PROCEED to E.				
E. Is either parent unemployed? <input type="checkbox"/> no, go to #19. <input type="checkbox"/> yes, go to #19.				DOCUMENTATION IN FILE: <input type="checkbox"/> CA 341 (Medical report) <input type="checkbox"/> Written statement from physician <input type="checkbox"/> other substantiation (EAS 41-430)
TO BE COMPLETED BY COUNTY WELFARE DEPARTMENT AT REDETERMINATION ONLY				
(19) REDETERMINATION OF DEPRIVATION - GOOD FAITH EFFORTS				
If the parent(s) is unavailable or uncooperative, please list below the good faith efforts made to contact the parent(s) (i.e., 2 phone calls attempted, 2 letters sent, 1 piece of returned mail, 1 home visit attempted, 1 failure to keep scheduled appointment, etc.) to redetermine deprivation.				
<div style="border: 1px solid black; height: 100px; width: 100%;"></div>				
				GOOD FAITH EFFORTS MADE? <input type="checkbox"/> YES <input type="checkbox"/> NO

DIRECTIONS: QUESTIONS 20-23 MUST BE COMPLETED AT INITIAL APPLICATION; QUESTIONS 20-21 MUST ALSO BE COMPLETED AT REDETERMINATIONS WHEN THERE ARE ANY CHANGES TO THE INFORMATION BELOW.

VERIFICATION

(20) Parental Financial Information

	Parent 1	Parent 2	Parent 3
Name			
Relationship			
Occupation			
Name of Employer			
Address of Employer			
Work Hours/Month			
Gross Monthly Wage			
Child Support Paid			
Child Support Received			
Disability (State, Workers' Compensation, etc.)			
Unemployment Benefits			
Pensions			
SSI/SSP			
Veteran's Benefits			
Other Monthly Income (i.e., social security, etc.)			
Application for Income Pending (yes, no, or unknown)			
Accounts (checking, savings, etc.)			
Name of Financial Institution			
Address of Financial Institution			
Cash on Hand			
Other Assets			
Personal Property			
Real Property & Address			
Auto (Year/Model)			

PARENTAL INCOME

PARENTAL PENDING INCOME

PARENTAL RESOURCES

TO BE COMPLETED BY PLACEMENT WORKER/COUNTY WELFARE DEPARTMENT STAFF

(21) What is the authority for the child's out-of-home placement?

<input type="checkbox"/> Voluntary placement agreement (SOC 455)	Date:
<input type="checkbox"/> Relinquishment - Mother	Date:
<input type="checkbox"/> Relinquishment - Father	Date:
<input type="checkbox"/> Termination of Parental Rights	Date:
<input type="checkbox"/> Child/Agency Agreement	Date:
<input type="checkbox"/> Nonrelated legal guardian	Date:
<input type="checkbox"/> Court Order	Date:

Check box to indicate in which court order the finding was made. Enter date of hearing/order.

Court Order Findings	Detention Date	Judicial/Adopt Date	Dispositional Date	Retention/Other Date
a) Continuance in home is contrary to the welfare of the child.				
b) Placement in home is viable with the county.				
c) Reasonable efforts to prevent the removal of the child were made or the lack of preplacement preventative efforts was reasonable.				

COURT ORDER FINDINGS MADE?

FINDING a: ☐ YES ☐ NO
 FINDING b: ☐ YES ☐ NO
 FINDING c: ☐ YES ☐ NO

TO BE COMPLETED BY PLACEMENT WORKER/COUNTY WELFARE DEPARTMENT STAFF AT APPLICATION ONLY			
Check appropriate box.	Yes	No	Insufficient Information
22. Would the service case file support a determination that the parent or relative from whom removed had minimal income and resources and that the child probably would have been eligible for public assistance in the month of removal?			
23. Has the child lived with the parent or relative from whom removed within the last 6 months?			
PARENT/LEGAL GUARDIAN: I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.			
SIGNATURE OF PARENT/LEGAL GUARDIAN			
COUNTY WHERE SIGNED		DATE	
PLACEMENT WORKER: ALL INFORMATION RECORDED ON THIS FORM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			
SIGNATURE OF PLACEMENT WORKER (NOT APPLICABLE IF PARENT OF LEGAL GUARDIAN AVAILABLE)			
NAME OF AGENCY		DATE	
SIGNATURE OF ELIGIBILITY WORKER		DATE	
SIGNATURE OF ELIGIBILITY WORKER SUPERVISOR		DATE	

VERIFICATION

POEM

- ☐ ELIGIBLE FACILITIES REQUIREMENTS MET
- ☐ SERVICES REQUIREMENTS MET

- ☐ NOT ELIGIBLE
- ☐ ELIGIBLE
- ☐ FEDERAL
- ☐ NONFEDERAL
- ☐ OTHER

PERSONAL INFORMATION NOTICE

Pursuant to the Federal Privacy Act (P.L. 93-679) and the Information Practices Act of 1977 (Civil Code Sections 1798, et. seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.17 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular. Direct any inquiries on information maintenance to your IPA Forms Officer.

DETERMINATION OF FEDERAL AFDC-FC ELIGIBILITY

INSTRUCTIONS: Complete this form in all cases when a juvenile court order has been issued. To be eligible for federal AFDC-FC, items 1 through 6 must be answered YES. Complete all items. Complete the Verification column with information from the JA 2/SAWS 2 or FC 2 and SOC 158A.

Child's Name	Case Name	Case Number	Court Number
--------------	-----------	-------------	--------------

Name of Relative From Whom the Child Was Removed	Relationship	Petition Date:
--	--------------	----------------

FEDERAL AFDC - FC ELIGIBILITY REQUIREMENTS
VERIFICATION

1. The child meets all general AFDC-FC eligibility requirements as established on the JA2/SAWS 2 or FC 2. ☐ Yes ☐ No

2. The child was removed from the home of a parent or relative by:

☐ Voluntary placement agreement Date _____

☐ Detention Order ☐ Jurisdictional/Dispositional Order ☐ Yes ☐ No

Date _____ Date _____

Does Court Order contain requisite language for federal eligibility? ☐ Yes ☐ No

- Reasonable efforts made to prevent removal of child from home.
- Continuance in home would be contrary to welfare of child.
- Placement and care vested in appropriate agency.

The Court Order :

☐ Is in effect

☐ Dismissed because

☐ Child is 18 or over

☐ Relinquishment/parental rights terminated

3. Does the child meet AFDC linkage requirements (as in effect July 16, 1996) in the month of petition? ☐ Yes ☐ No

☐ Yes, lived with parent/relative from whom removed in the month of petition and would have been eligible for AFDC had application been made.(POEM determination)

☐ Yes, lived with parent/relative from whom removed within any of the previous 6 months prior to the month of petition and would have been eligible for AFDC had application been made in the month of petition. (POEM determination)

☐ No, insufficient information.

☐ No, does not meet linkage requirements.

☐ IEVS verification

☐ Other verification

4. Does deprivation exist? ☐ Yes ☐ No

Death ☐ Incapacity ☐ Unemployment ☐ Absence ☐

5. Is the child in an eligible facility? Give code from reverse side. ☐ Yes ☐ No

6. Will payment be made to an eligible payee? Give code from reverse side. ☐ Yes ☐ No

☐ Not Eligible for federal AFDC-FC

☐ Insufficient Information. Not eligible for federal AFDC-FC

☐ Eligible for federal AFDC-FC Items 1-6 answered YES

Effective Date of Federal Eligibility

Eligibility Worker Signature

Date Completed

Summary of family circumstances at time of removal:

FC 3 CODES

CODES FOR QUESTION 5: ELIGIBLE FACILITIES (45-202.5/45-203.4)

- 01 Approved home of relative
- 02 Certified, license-pending
- 03 Licensed family home
- 04 Family home certified by nonprofit FFA licensed by SDSS
- 05 Private, nonprofit group home licensed by SDSS
- 06 Approved facility/family home on an Indian reservation
- 07 Public Child Care Institution

CODES FOR QUESTION 6: ELIGIBLE PAYEE (45-301.11)

- 01 Approved family home
- 02 Licensed, private, nonprofit group home
- 03 Cooperating public or licensed nonprofit private child placement or child care agency with responsibility for placement and care of the child
- 04 Licensed homefinding agency which certified the exclusive-use home in which the child has been placed.

FEDERAL AFDC-FC ELIGIBILITY REQUIREMENTS

Eligibility & Assistance Standards (EAS)

Age	(45-201.11)
Property	(45-201.12)
Residence	(45-201.13)
Citizenship/Alienage	(45-201.14)
Social Security	(45-201.15)
Income/Need	(45-201.2)
Child Support	(45-201.3)
Services	(45-201.4)
Deprivation	(45-201.1)(45-203.1)
With Whom Child Placed	(45-202.2)(45-203.2)
AFDC/FG/U Linkage	(45-202.3)
Authority For Placement	(45-202.4)(45-203.3)
Eligible Facilities	(45-202.5)(45-203.4)
Placement and Care	(45-202.6)(45-203.5)

AFDC-FG/U WORKSHEET

INSTRUCTIONS: Complete the following to determine if the child would have received federal AFDC-FG/U (as it existed July 16, 1996) in the Month of the petition based on the circumstances in the home of the parent or relative from whom the child was removed. The AFDC-FG/U linkage requirement is met when all items are answered YES.

Child's Name		Month of Petition		Date Child Last Resided with Parent or Relative From Whom Removed	
FEDERAL AFDC - FG/U ELIGIBILITY REQUIREMENTS					VERIFICATION
1. Total Persons in AU/FU		Total 185% MBSAC + Special Needs		Total MBSAC + Nonrecurring Special Needs	
A. 185% of MBSAC INCOME TEST		AMOUNT		B. FINANCIAL ELIGIBILITY TEST	
1. Gross Earnings		1. Gross Earnings		EARNINGS VERIFICATION ON FILE: <input type="checkbox"/> Yes <input type="checkbox"/> No UNEARNED VERIFICATION ON FILE: <input type="checkbox"/> Yes <input type="checkbox"/> No OTHER VERIFICATIONS ON FILE (LIST): INCOME LINKAGE ESTABLISHED (185% TEST AND FINANCIAL BIG TEST) <input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Current Child Support Received by DA or Recipient	+	2. Work-Related Expenses (\$90)	-		
3. Other Unearned Income (Specify)	+	3. \$30 and 1/3 Exemption (If applicable)	-		
4. Excluded persons Gross Income	+	4. Dependent Care (Up to \$200 each)	-		
5.	+	5. NET EARNINGS	=		
6.	+	6. Other Nonexempt Income	+		
7.	+	7. Child Support Collected by DA	+		
8.	+	8. Court Ordered Child Support Paid	-		
TOTAL INCOME		=		TOTAL NET NONEXEMPT INCOME	
Gross Income Eligible?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Financially Eligible? <input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property of all persons in the AU/FU in the month of the petition below the allowable limit? <input type="checkbox"/> Yes <input type="checkbox"/> No (COMPLETE BELOW.)					
ITEM		NET MARKET VALUE		ITEM	
a. Cash and Securities				f.	
b. Cash Surrender Value of Life Insurance		+		g. Real Property (Specify)	
c. Motor Vehicle		+		h.	
d. Other Personal Property (Specify)		+		i.	
e.		+		J. TOTAL PROPERTY	
				=	
AFDC-FG U LINKAGE DETERMINATION: <input type="checkbox"/> NOT ELIGIBLE FOR FEDERAL AFDC-FG U in month of petition <input type="checkbox"/> INSUFFICIENT INFORMATION Not eligible for federal AFDC-FG U <input type="checkbox"/> Eligible for federal AFDC-FG U in month of petition					

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN REQUEST

TO:

FROM:

SECTION I - IDENTIFYING DATA

Notice is given of intent to place - Name of Child:			Ethnicity: Hispanic Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unable to determine/unknown	
Social Security Number:		ICWA Eligible <input type="checkbox"/> Yes <input type="checkbox"/> No	Race: <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian/ Other Pacific Islander <input type="checkbox"/> Black or African American <input type="checkbox"/> White	
Sex:	Date of Birth	Title IV-E determination <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Pending		
Name of Mother:			Name of Father:	
Name of Agency or Person Responsible for Planning for Child:				Phone:
Address:				
Name of Agency or Person Financially Responsible for Child:				Phone:
Address:				

SECTION II - PLACEMENT INFORMATION

Name of Person(s) or Facility Child is to be placed with:		Soc Sec # (optional): Soc Sec # (optional):	
Address:		Phone:	
Type of Care Requested: <input type="checkbox"/> Foster Family Home <input type="checkbox"/> Group Home Care <input type="checkbox"/> Child Caring Institution <input type="checkbox"/> Residential Treatment Center <input type="checkbox"/> Institutional Care-Article VI, Adjudicated Delinquent		<input type="checkbox"/> Parent <input type="checkbox"/> Relative (Not Parent) Relationship: _____ <input type="checkbox"/> Other: _____	
Current Legal Status of Child: <input type="checkbox"/> Sending Agency Custody/Guardianship <input type="checkbox"/> Parent Relative Custody/Guardianship <input type="checkbox"/> Court Jurisdiction Only		<input type="checkbox"/> ADOPTION <input type="checkbox"/> IV-E Subsidy <input type="checkbox"/> Non IV-E Subsidy To Be Finalized in: <input type="checkbox"/> Sending State <input type="checkbox"/> Receiving State	
		<input type="checkbox"/> Protective Supervision <input type="checkbox"/> Parental Rights Terminated-Right to Place for Adoption <input type="checkbox"/> Unaccompanied Refugee Minor <input type="checkbox"/> Other: _____	

SECTION III - SERVICES REQUESTED

Initial Report Requested (if applicable): <input type="checkbox"/> Parent Home Study <input type="checkbox"/> Relative Home Study <input type="checkbox"/> Adoptive Home Study <input type="checkbox"/> Foster Home Study	Supervisory Services Requested: <input type="checkbox"/> Request Receiving State to Arrange Supervision <input type="checkbox"/> Another Agency Agreed to Supervise <input type="checkbox"/> Sending Agency to Supervise	Supervisory Reports Requested: <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Upon Request <input type="checkbox"/> Other: _____
--	--	---

Name and Address of Supervising Agency in Receiving State:

Enclosed: ☐ Child's Social History ☐ Court Order ☐ Financial/Medical Plan ☐ Other Enclosures
☐ Home Study of Placement Resource ☐ ICWA Enclosure ☐ IV-E Eligibility Documentation

Signature of Sending Agency or Person:

Date:

Signature of Sending State Compact Administrator, Deputy or Alternate:

Date:

SECTION IV - ACTION BY RECEIVING STATE PURSUANT TO ARTICLE III(d) of ICPC

☐ Placement may be made ☐ Placement shall not be made

REMARKS:

Signature of Receiving State Compact Administrator, Deputy or Alternate:

Date:

DISTRIBUTION (Complete six (6) copies):

- * Sending Agency retains a (1) copy and forwards completed original plus four (4) copies to:
- * Sending Compact Administrator, DCA, or alternate retains a (1) copy and forwards completed original and three (3) copies to:
- * Receiving Agency Compact Administrator, DCA, or alternate who indicates action (Section IV) and forwards a (1) copy to receiving agency and the completed original and one (1) copy to sending Compact Administrator, DCA, or alternate within 30 days.
- * Sending Compact Administrator, DCA, or alternate retains a completed copy and forwards the completed original to the sending agency.

**INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN
REPORT ON CHILD'S PLACEMENT STATUS**

TO:	FROM:		
Child's Name:			
Birthdate:			
Mother's Name:	Father's Name:		
SECTION II - PLACEMENT STATUS			
<input type="checkbox"/> Initial Placement of Child in Receiving State	Date Child Placed in Receiving State:		
Name of Resource:			
Address:			
Type of Care:			
<input type="checkbox"/> Placement Change	Effective Date of Change:		
Name of Resource:			
Address:			
Type of Care:			
SECTION III - COMPACT PLACEMENT TERMINATION			
<input type="checkbox"/> Adoption Finalized	<input type="checkbox"/> In Sending State	<input type="checkbox"/> In Receiving State	<input type="checkbox"/> Court Order Attached
<input type="checkbox"/> Child Reached Majority/Legally Emancipated			
<input type="checkbox"/> Legal Custody Returned to Parent(s)	<input type="checkbox"/> Court Order Attached		
<input type="checkbox"/> Legal Custody Given to Relative	<input type="checkbox"/> Court Order Attached		
Name:		Relationship:	
<input type="checkbox"/> Treatment Completed			
<input type="checkbox"/> Sending State's Jurisdiction Terminated with the Concurrence of the Receiving State			
<input type="checkbox"/> Unilateral Termination			
<input type="checkbox"/> Child Returned to Sending State			
<input type="checkbox"/> Child Has Moved to Another State			
<input type="checkbox"/> Proposed Placement Request Withdrawn			
Name of Placement Resource:			
<input type="checkbox"/> Approved Resource Will Not Be Used for Placement			
Name of Placement:			
<input type="checkbox"/> Other (Specify):			
Date of Termination:			
SECTION IV - SIGNATURES			
Person/Agency Supplying Information:			Date:
Compact Administrator, Deputy or Alternate:			Date:

DISTRIBUTION (Complete four (4) copies of this form):

- Sending Agency retains a (1) copy and forwards completed original plus three (3) copies to:
- Sending Compact Administrator, DCA, or alternate retains one (1) copy and forwards two (2) copies to:
- Receiving Agency Compact Administrator, DCA, or alternate retains one (1) copy and forwards one (1) copy to the receiving agency

STATEMENT OF FACTS SUPPORTING ELIGIBILITY FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT (Kin-GAP) PROGRAM: *The legal guardian should complete in ink all questions to the left of the heavy black line with information about the child for whom they are the legal guardian. If there are multiple children, one form per child should be completed. Please complete, sign and date this form within two weeks, attaching extra sheets if necessary. Failure to complete and return this form within two weeks (14 days) of the date it was mailed will cause interruption, termination or delay in your receipt of the benefit.*

① Child Name _____ ② ☐ Male ☐ Female

③ Address _____

④ Birth date _____

⑤ Birthplace _____

⑥ Social Security # _____

Applied For?

☐ Yes ☐ No

⑦ Citizen of U.S.? ☐ Yes ☐ No

⑧ Alien Status:

⑨ Does the child have medical insurance other than Medi-Cal?

☐ Yes ☐ No

If yes, list policy number, company name, and name of policy:

⑩ Does the child have real or personal property?

☐ Yes ☐ No

If yes, list property type (land, cash, auto, motorcycle, life insurance, trust fund, bank account, bond, etc.) and its value:

⑪ Does the child have income? ☐ Yes ☐ No ☐ Unknown*
If yes, list amounts below. If application pending, check associated box.

INCOME TYPE	AMOUNT	PENDING
Social Security	\$	
Child Support	\$	
Railroad Retirement	\$	
SSI/SSP	\$	
Veteran's Benefits	\$	
Salary/Wages	\$	
Other (specify)	\$	
Total Amount/Month	\$	

*If unknown, please explain:

⑫ Does the child have siblings placed with you? ☐ Yes ☐ No
If yes, list the names and DOB.

NAME OF SIBLING	DATE OF BIRTH

⑬ Is the child's mother or father deceased? ☐ Yes ☐ No

⑭ Has the child's parents been receiving Social security or VA benefits? ☐ Yes ☐ No
If yes, explain and list amount if known:

⑮ If the youth is age 16 or older, does the youth want a referral to the ILP Program? ☐ Yes ☐ No

⑯ Does the child reside in your home? ☐ Yes ☐ No
If no, do you provide any support for the above-named child? ☐ Yes ☐ No

⑰ Does this youth have a child(ren) of his/her own residing in your home? ☐ Yes ☐ No

⑱ Do you have a shared responsibility plan about the care of the child with the minor parent? ☐ Yes ☐ No

⑲ Do you have guardianship of the child which was granted by a California juvenile court? ☐ Yes ☐ No

ELIGIBILITY WORKER ONLY

☐ APPLICATION
☐ REASSESSMENT

CASE NAME _____

CASE NUMBER _____

VERIFICATION

AGE _____

SOCIAL SECURITY NUMBER _____

CITIZENSHIP/ALIEN STATUS _____

DHS 6155 ☐

CHILD'S PROPERTY _____

DOES THE CHILD HAVE SIBLINGS
PLACED WITH THE GUARDIAN?

DID THE CHILD RESIDE FOR AT
LEAST SIX CONSECUTIVE MONTHS
IN THE APPROVED HOME OF THE
PROSPECTIVE RELATIVE
GUARDIAN?

**VOLUNTARY PLACEMENT AGREEMENT
 PARENT/AGENCY
 (Indian Child)**
COMPLETE IN DUPLICATE:
 One copy to: Parents of Guardian
 Child's Social Service Record

CASE NAME	CASE NUMBER
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I request that the _____ County Welfare Department place my child _____

in a licensed/certified foster care facility. My reason for the request is _____

I know that voluntary foster care is limited to six months and that my child will be returned to me by _____

(DATE)

The Agency agrees to:

1. Place my child in accordance with the provisions of the Indian Child Welfare Act (25 United States Code 9001 et. seq.)
2. Arrange for care of my child in a licensed/certified foster care facility.
3. Select the home with the participation of me and my child.
4. Supervise my child while in foster care.
5. Arrange for services which will help my child return home, discuss those services with me and list them in a written service plan.
6. Arrange for medical care. Notify me of emergency medical care or hospitalization of my child.
7. Notify me if a change in foster care facility is necessary.
8. Provide a grievance procedure.
9. Carry out legal consent provisions on behalf of my child in this agreement.

Recognizing my responsibility for the care and welfare of my child, I agree to:

1. Assist the Welfare Department in determining my financial responsibility for the care of my child while in foster care.
2. Keep the Agency advised at all times of my address and telephone number.
3. Visit my child as per arrangement with the placement agency.
4. Allow the Agency to move my child, if necessary, to another foster care facility.
5. My child's participation in the activities planned by the placing agency and/or foster care facility, including trips within the state.
6. Carry out my part of the service plan.
7. Discuss with the Agency placement problems of my child.
8. Give reasonable notice to the placement worker if I plan to move my child, although I retain the right to withdraw my consent to foster care placement at any time.
9. Authorize the foster parent to give consent on behalf of my child except as prohibited by me in the agreement.

I agree the person providing care for my child may give legal consent on behalf of my child except as limited in the following statement.

(If more space is needed use the reverse side of this form).

THE UNDERSIGNED HAS CUSTODY AND CONTROL OF THE CHILD**CERTIFICATION**

SIGNATURE OF PARENT			SIGNATURE OF WITNESS TO PARENT		<i>The terms and consequences of the voluntary signing of consent were fully explained to the Indian parent by the Agency representative in my presence, in a language understood by the parent. The right to withdraw consent at any time was also explained.</i>
SIGNATURE OF PARENT			SIGNED IN PRESENCE OF		
ADDRESS			REPRESENTATIVE, COUNTY WELFARE DEPARTMENT		
			ADDRESS		
					SIGNATURE OF JUDGE
					SUPERIOR COURT
HOME PHONE	ALTERNATE PHONE	DATE SIGNED	PHONE		DATE SIGNED

Under provisions specified by State Child Welfare Services, if a child has been voluntarily placed for six consecutive months one of the following actions will be taken (*except for children otherwise provided for by State Department of Social Services regulations*):

- (1) Return the child to the physical custody of his or her parents or guardians.
- (2) Refer the child to a licensed adoption agency for consideration of adoptive planning and receipt of permanent relinquishment of care and custody rights from the parents pursuant to subdivision (m) of Section 224 of the California Civil Code.
- (3) Apply for a petition pursuant to Welfare and Institutions Code Section 332 and file the petition with the Juvenile court to have the child declared a dependent child of the court under Welfare and Institutions Code Section 300.

ADOPT

ICWA-020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <div style="display: flex; justify-content: space-between;"> <div> TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): </div> <div> FAX NO. (Optional): </div> </div>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
CHILD'S NAME:	
PARENTAL NOTIFICATION OF INDIAN STATUS	CASE NUMBER:

To the parent, Indian custodian, or guardian of the above-named child: You must provide all the requested information about the child's Indian status by completing this form. If you get new information that would change your answers, you must let your attorney, all the attorneys on the case, and the social worker or probation officer, or the court investigator know immediately and an updated form must be filed with the court.

1. Name: _____
2. Relationship to child: ☐ Parent ☐ Indian custodian ☐ Guardian ☐ Other _____
3. a. ☐ I am or may be a member of, or eligible for membership in, a federally recognized Indian tribe.
 Name of tribe(s) (name each): _____
 Name of band (if applicable): _____
- b. ☐ I may have Indian ancestry.
 Name of tribe(s): _____
 Name of band (if applicable): _____
- c. ☐ The child is or may be a member of, or eligible for membership in, a federally recognized Indian tribe.
 Name of tribe (name each): _____
 Name of band (if applicable): _____
- d. ☐ I have no Indian ancestry as far as I know.
- e. ☐ One or more of my parents, grandparents, or other lineal ancestors is or was a member of a federally recognized tribe.
 Name of tribe (name each): _____
 Name of band (if applicable): _____
 Name and relationship of ancestor(s): _____

4. A previous form ICWA-020 ☐ has ☐ has not been filed with the court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

Note: This form is not intended to constitute a complete inquiry into Indian heritage. Further inquiry may be required by the Indian Child Welfare Act.

ADOPT

CONFIDENTIAL

ICWA-030

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY	
TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____ TELEPHONE NO.: _____			
CASE NAME: _____		CASE NUMBER: _____	
NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD (check all that apply): <input type="checkbox"/> JUVENILE <input type="checkbox"/> Dependency <input type="checkbox"/> Delinquency <input type="checkbox"/> ADOPTION <input type="checkbox"/> CONSERVATORSHIP* <input type="checkbox"/> CUSTODY (Fam. Code, § 3041) <input type="checkbox"/> DECLARATION OF FREEDOM FROM CONTROL OF PARENT <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> TERMINATION OF PARENTAL RIGHTS <input type="checkbox"/> VOLUNTARY RELINQUISHMENT OF CHILD BY PARENT		HEARING DATE: _____ DEPT.: _____	

NOTICE TO (check all that apply):

- ☐ Parents or Legal Guardians ☐ Tribes ☐ Indian Custodians ☐ Sacramento Area Director, BIA
☐ Secretary of the Interior

1. NOTICE is given that based on the petition, a copy of which is attached to this notice, a child custody proceeding under the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) has been initiated for the following child (a separate notice must be filed for each child):

NameDate of BirthPlace of Birth

2. HEARING INFORMATION

a. Date: _____	Time: _____	<input type="checkbox"/> Dept.: _____	<input type="checkbox"/> Room: _____
<input type="checkbox"/> Type of hearing: _____			

- b. Address and telephone number of court ☐ same as noted above ☐ is (specify): _____

3. The child is or may be eligible for membership in the following Indian tribes (list each): _____

*Use this form in a conservatorship only if the proposed conservatee is a formerly married minor.

Page 1 of 10

CASE NAME:	CASE NUMBER:
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4. Under the Indian Child Welfare Act (ICWA) and California law:

- The child's parents, Indian custodian, and the child's tribe have the right to be present at all hearings.
- The child's Indian custodian and the child's tribe have the right to intervene in the proceedings when ICWA applies.
- The child's parent, Indian custodian, or tribe may petition the court to transfer the case to the tribal court of the Indian child's tribe. The child's parent or tribe also have the right to refuse to have the case transferred to the tribal court.
- With the limited exceptions of the detention hearing in juvenile cases and the jurisdiction and disposition hearings in delinquency cases as identified in rule 5.482, the court will give up to 20 days from the time of the scheduled hearing if the child's parent, Indian custodian, or tribe request such time to prepare for the hearing.
- The proceedings could lead to the removal of the child from the custody of the parent or Indian custodian and possible adoption of the child.
- If the child's parents or Indian custodian have a right to be represented by a lawyer and if they cannot afford to hire one, a lawyer will be appointed for them.
- The information contained in this notice and all attachments is confidential. Any tribal representative or agent or any other person or entity receiving this information must maintain the confidentiality of this information and not reveal it to anyone who does not need the information in order to exercise the tribe's rights under the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.).
- An Indian custodian is any person who has legal custody of the child under tribal law or custom or state law, or to whom temporary physical custody, care, and control of the child has been transferred by a parent.

5. INFORMATION ON THE CHILD NAMED IN 1

- The child's birth certificate is ☐ attached ☐ unavailable
- A copy of the tribal registration card of ☐ the child ☐ the parent is attached.
- Biological relative information is listed below. (Indicate if any of the information requested below is unknown or does not apply. Do not use the abbreviation "N/A".) (Required by Fam. Code, § 180; Prob. Code, § 1460.2; and Welf. & Inst. Code, § 224.2.)

Biological Mother	Biological Father
Name (include maiden, married, and former names or aliases):	Name (include former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:

CASE NAME:	CASE NUMBER:
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5. c. INFORMATION ON THE CHILD NAMED IN 1

(Indicate if any of the information requested below is unknown or does not apply; do not use the abbreviation "N/A".)

Mother's Biological Mother (Child's Maternal Grandmother)	Father's Biological Mother (Child's Paternal Grandmother)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

Mother's Biological Father (Child's Maternal Grandfather)	Father's Biological Father (Child's Paternal Grandfather)
Name (include former names or aliases):	Name (include former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

CASE NAME:	CASE NUMBER:
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5. d. **INFORMATION ON THE CHILD NAMED IN 1**

(Indicate if any of the information requested below is unknown or does not apply; do not use the abbreviation "N/A".)

Mother's Biological Grandmother (Child's Maternal Great-grandmother)	Mother's Biological Grandmother (Child's Maternal Great-grandmother)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

Mother's Biological Grandfather (Child's Maternal Great-grandfather)	Mother's Biological Grandfather (Child's Maternal Great-grandfather)
Name (include former names or aliases):	Name (include former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

CASE NAME:	CASE NUMBER:
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5. e. INFORMATION ON THE CHILD NAMED IN 1

(Indicate if any of the information requested below is unknown or does not apply; do not use the abbreviation "N/A".)

Father's Biological Grandmother (Child's Paternal Great-grandmother)	Father's Biological Grandmother (Child's Paternal Great-grandmother)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

Father's Biological Grandfather (Child's Paternal Great-grandfather)	Father's Biological Grandfather (Child's Paternal Great-grandfather)
Name (include former names or aliases):	Name (include former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

CASE NAME:	CASE NUMBER:
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5. f. **INFORMATION ON THE CHILD NAMED IN 1**

(Indicate if any of the information requested below is unknown or does not apply; do not use the abbreviation "N/A".)

Indian Custodian Information	Indian Custodian Information
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current former address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:

6. **ADDITIONAL INFORMATION ON CHILD NAMED IN 1**

(Indicate if any of the information requested below is unknown.)

- a. ☐ Biological birth father is named on birth certificate. ☐ Unknown
- b. ☐ Biological birth father has acknowledged parentage. ☐ Unknown
- c. ☐ There has been a judicial declaration of parentage. ☐ Unknown
- d. ☐ Other alleged father (name each):

☐ Unknown

The following optional questions may be helpful in tracing the ancestry of the child in 1.

7. Has the child in 1 or any members of his or her family ever (if "yes," provide the information requested below):

- a. Attended an Indian school?
- ☐
- Yes
- ☐
- No
- ☐
- Unknown

Name/relationship to child	Type of school	Dates attended	Name and location of school

CASE NAME:	CASE NUMBER:
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b. Received medical treatment at an Indian health clinic or U.S. Public Health Service hospital?

☐ Yes ☐ No ☐ Unknown

Name/relationship to child	Type of treatment	Dates of treatment	Location where treatment given

c. Lived on federal trust land, a reservation or rancheria, or an allotment? ☐ Yes ☐ No ☐ Unknown

Name/relationship to child	Name/description of property and address	Dates of residence

d. Other relative information (e.g., aunts, uncles, siblings, first and second cousins, stepparents, etc.)

Name/relationship to child	Current and former address	Birth date and place	Tribe, band, and location

8. ☐ Tribal affiliation and location of child in 1 (check all that apply):

a. ☐ 1906 Final Roll Name of relative listed on roll:
Relationship to child in 1:

b. ☐ Roll of 1924 Name of relative listed on roll:
Relationship to child in 1:

c. ☐ California Judgment Roll. Roll number, if known:

CASE NAME:	CASE NUMBER:
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9. Additional party information (list the name, mailing address, and telephone number of all parties notified) :

Name

Mailing Address

Telephone Number

DECLARATION

(To be completed, dated, and signed in all cases by each petitioner named in companion petition.)

I am the petitioner or we are all of the petitioners in this proceeding. In response to items 5–9 of this form, I/we have given all information I/we have about the relatives and, if applicable, the Indian custodian, of the child named in item 1 of this form.

I/We declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

CASE NAME:	CASE NUMBER:
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CERTIFICATE OF MAILING—JUVENILE COURT PROCEEDINGS**(To be completed by social worker or probation officer.)**

I certify that a copy of the *Notice of Child Custody Proceeding for Indian Child*, with a copy of the petition identified on page 1 of this form, was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, tribe, or agency as indicated below. (Except that the telephone numbers shown below were not placed on the envelopes. They are shown below because they must be disclosed in the *Notice* under Family Code section 180, Probate Code section 1460.2, and Welfare and Institutions Code section 224.2.) Each envelope was sealed and deposited with the United States Postal Service at *(place)*:
on *(date)*:

Date:

Title:

Department:

(TYPE OR PRINT NAME)

(SIGNATURE)

DECLARATION OF MAILING—ADOPTION, FAMILY LAW, AND PROBATE PROCEEDINGS**(To be completed by the attorney for Petitioner if Petitioner is represented.)**

I am an attorney at law, admitted to practice in the courts of the State of California, and attorney for Petitioner in this matter. I declare that a copy of the *Notice of Child Custody Proceeding for Indian Child*, with a copy of the petition identified on page 1 of this form, was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, tribe, or agency as indicated below. (Except that the telephone numbers shown below were not placed on the envelopes. They are shown below because they must be disclosed in the *Notice* under Family Code section 180, Probate Code section 1460.2, and Welfare and Institutions Code section 224.2.) Each envelope was sealed and deposited with the United States Postal Service at *(place)*:
on *(date)*:

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY)

CERTIFICATE OF MAILING—PROBATE PROCEEDINGS**(To be completed by the clerk of the court if Petitioner is unrepresented.)**

I certify that a copy of the *Notice of Child Custody Proceeding for Indian Child*, with a copy of the petition, was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, tribe, or agency as indicated below. (Except that the telephone numbers shown below were not placed on the envelopes. They are shown below because they must be disclosed in the *Notice* under Family Code section 180, Probate Code section 1460.2, and Welfare and Institutions Code section 224.2.) Each envelope was sealed and deposited with the United States Postal Service at *(place)*:
on *(date)*:

Date:

Title:

Department:

(TYPE OR PRINT NAME)

(SIGNATURE)

This form and all return receipts must be filed with the court.

CASE NAME:	CASE NUMBER:
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**NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ALL PERSONS,
TRIBES, OR AGENCIES TO WHOM NOTICE WAS MAILED**

<p>1. <input type="checkbox"/> Parent (Name): Street address: Mailing address: City, state and zip code: Telephone number:</p>	<p>2. <input type="checkbox"/> Parent (Name): Street address: Mailing address: City, state and zip code: Telephone number:</p>
<p>3. <input type="checkbox"/> Guardian (Name): Street address: Mailing address: City, state and zip code: Telephone number:</p>	<p>4. <input type="checkbox"/> Guardian (Name): Street address: Mailing address: City, state and zip code: Telephone number:</p>
<p>5. <input type="checkbox"/> Indian Custodian (Name): Street address: Mailing address: City, state and zip code: Telephone number:</p>	<p>6. <input type="checkbox"/> Indian Custodian (Name): Street address: Mailing address: City, state and zip code: Telephone number:</p>
<p>7. <input type="checkbox"/> Sacramento Area Director Bureau of Indian Affairs Street address: 2800 Cottage Way City and zip code: Sacramento, CA 95825 Telephone number:</p>	<p>8. <input type="checkbox"/> Secretary of the Interior U.S. Department of the Interior Street address: 1849 C Street, N.W. City, state and zip code: Washington D.C. 20240 Telephone number:</p>
<p>9. <input type="checkbox"/> Tribe (Name): Addressee (Name): Title: Street address: Mailing address: City, state and zip code: Telephone number:</p>	<p>10. <input type="checkbox"/> Tribe (Name): Addressee (Name): Title: Street address: Mailing address: City, state and zip code: Telephone number:</p>
<p>11. <input type="checkbox"/> Tribe (Name): Addressee (Name): Title: Street address: Mailing address: City, state and zip code: Telephone number:</p>	<p>12. <input type="checkbox"/> Tribe (Name): Addressee (Name): Title: Street address: Mailing address: City, state and zip code: Telephone number:</p>

Note: Notice to the tribe must be sent to the tribe chairman or designated authorized agent for service.

☐ Additional tribes served listed on attached form ICWA-030(A)

ADOPT

ICWA-030(A)

CASE NAME:	CASE NUMBER:
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ATTACHMENT TO NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD*(This attachment may be used with form ICWA-030 to show additional tribes or bands served with the Notice)***NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ALL PERSONS, TRIBES,
OR AGENCIES TO WHOM NOTICE WAS MAILED (Continued)**

<input type="checkbox"/> Tribe (Name): Addressee (Name): Title: Street address: Mailing address: City, state and zip code: Telephone number:	<input type="checkbox"/> Tribe (Name): Addressee (Name): Title: Street address: Mailing address: City, state and zip code: Telephone number:
<input type="checkbox"/> Tribe (Name): Addressee (Name): Title: Street address: Mailing address: City, state and zip code: Telephone number:	<input type="checkbox"/> Tribe (Name): Addressee (Name): Title: Street address: Mailing address: City, state and zip code: Telephone number:
<input type="checkbox"/> Tribe (Name): Addressee (Name): Title: Street address: Mailing address: City, state and zip code: Telephone number:	<input type="checkbox"/> Tribe (Name): Addressee (Name): Title: Street address: Mailing address: City, state and zip code: Telephone number:
<input type="checkbox"/> Tribe (Name): Addressee (Name): Title: Street address: Mailing address: City, state and zip code: Telephone number:	<input type="checkbox"/> Tribe (Name): Addressee (Name): Title: Street address: Mailing address: City, state and zip code: Telephone number:

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